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ABSTRACT

Designed for the undergraduate student who is doing research on public international law and graduate students in fields other than law, this guide is specifically addressed to students at San Francisco State University, although the resources discussed are typical of those to be found in a medium-sized academic library. The guide is divided into the following sections, each of which includes photocopied examples from the materials discussed: (1) beginning research with dictionaries and encyclopedias; (2) locating books; (3) locating periodical articles; (4) international conventions and treaty research; (5) judicial decisions and arbitral awards; and (6) teachings of the most qualified publicists. The section on international conventions and treaties is the longest in the guide, covering definitions, compendia, indexes to treaty collections, electronic databases, treaties to which the United States may not be party, texts of treaties, and international, regional, and nongovernment organizations. (KRN)

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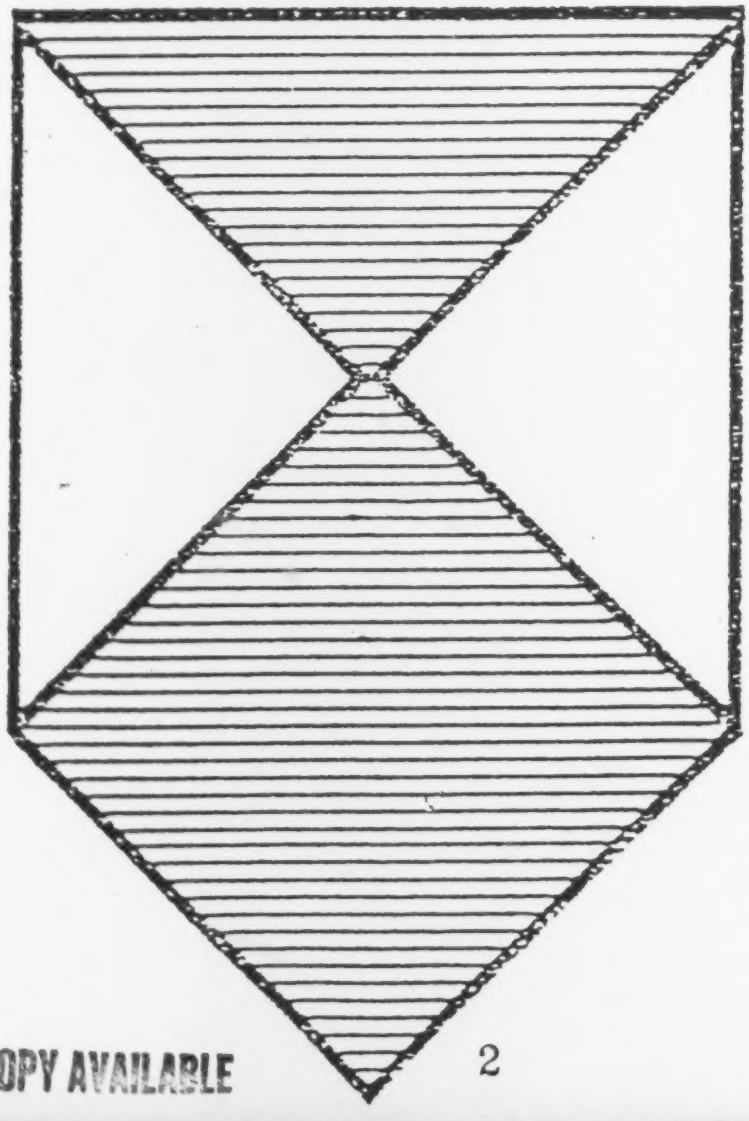
RESEARCHING INTERNATIONAL LAW

by Ann Kennedy



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RESEARCHING INTERNATIONAL LAW

by Ann Kennedy

This guide is designed for the undergraduate who is doing international legal research. It will also be of use to graduate students in fields other than law. The guide is specifically addressed to students at SFSU, but the resources discussed are typical of those to be found in a medium-sized academic library. Most of these sources are located in Government Publications, 5th floor (GOVT), Reference, 1st floor (REF) or Periodicals, 2nd floor (PERS) in the SFSU Library. The guide is by its nature selective. For a more comprehensive guide, see the Guide to International Legal Research (special issue of the George Washington Journal of International Law and Economics, vol. 20 (nos. 1 & 2), 1986 (PERS mf)); mf=microfiche. At large law or research libraries you would also find Elizabeth Beyerly's Public International Law: A Guide to Information Sources, 1991.

By international law I mean public international law not private international law (conflict of laws). Public international law regulates the conduct of states and international organizations, and individuals, when the latter have rights and duties of concern to the international community. Private international law applies states' domestic laws to resolve international jurisdictional conflicts.

In identifying the sources of international law most scholars cite article 38 of the Statute of the International Court of Justice:

> The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
> a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
> b. international custom, as evidence of a general practice accepted as law;
> c. the general principles of law recognized by civilized nations.
> d. subject to the provisions of article 59, judicial decisions and the teachings of the most qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

There is no universal agreement as to whether a-c are listed in ranked order; however, most scholars agree that conventions (treaties) are the most important source of international law. Other frequently cited sources of international law besides those cited in the ICJ Statute are decisions or determinations of international organizations and jus cogens (peremptory norms of

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international law). These categories are by no means discrete. For instance, conventions, judicial decisions, publicists (writers) and international organizations may articulate international custom.

Throughout this guide, to illustrate the international legal research process, I will use examples from international art law. The major international legal issues in art law are: protection in time of war, protection in time of peace, the international art trade and historical transfers of cultural property that raise ownership questions (e.g., who owns the Parthenon/Elgin marbles?).

International law governing the protection of art in time of war is at this time well established; what is not well established is enforcement mechanisms. This situation is representative of the difference between international law and municipal (state, national) law. The former may be clear cut, but, if states choose to flaunt the rules, there is not police force to enforce them. The issues raised by the international trade in art and historical transfers (often during the colonial period) are not well settled. They reflect a conflict between the interests of the major art importing states and art-rich (often third world) states who want to control the outflow of their art and, in some cases, want to repatriate art removed during the colonial period. To put these isssues in a historical context, the end of World War II prompted states to further codify the rules of war; it also led to the end of the colonial period: the north/south issues raised by de-colonization are still being worked out in the international arena.

BEGINNING YOUR RESEARCH: DICTIONARIES/ENCYCLOPEDIAS

A good place to begin your research is with international law and international relations dictionaries and encyclopedias. To locate these, search by subject on InvestiGator, the library's online catalog, under international law dictionaries and international relations dictionaries. Two useful sources you would come up with are Edmund Jan Osmanczyk's Encyclopedia of the United Nations and International Agreements (REF JX 1977 O8213) and the Parry and Grant Encyclopedic Dictionary of International Law (REF and GOVT Desk JX 1226 P33). At large law and research libraries you will also find the Encyclopedia of Public International Law. To get the most out of sources such as these, it is important to have some knowledge of your subject (for example, you would want to know that art in international law is called cultural property, and it would help to know that the principal international organization active in this area is UNESCO (the United Nations Educational, Scientific and Cultural Organization). When using dictionaries and encyclopedias, look under all the relevant terms that you can think of (in this case, art, archaeology, archaeological, architecture, architectural, cultural heritage, cultural property, heritage, UNESCO, United Nations Educational, Scientific and Cultural Organization are some key terms). Follow through on cross references provided (e.g., "see," "see also,"

Parry & Grant Encyclopedic 2a

Dictionary

the Tribunal.' They are, consequently, a category of crimes accessory to crimes against peace and war crimes": *The Charter and Judgment of the Nurnberg Tribunal: History and Analysis, Memorandum of the Secretary-General,* UN Doc.A/CN.4/5, 65, 68. But it was not necessary that any crime of humanity charged should be shown to be connected with a crime against peace or war crime committed by the same person. Though the Charter of the International Military Tribunal for the trial of the major Japanese war criminals provided in identical terms as to crimes against humanity, no counts of such crimes were included in the indictment: *Ibid.*, 81,82. See also Schwarzenberger, *The Law of Armed Conflict,* 496-9; Schwelb, Crimes Against Humanity, *(1946) 23 B.Y.I.L. 178.* The Convention on the Suppression and Punishment of Apartheid of 30 November 1973 *(13 I.L.M. 50)* declares **apartheid** to be a crime against humanity: art. 1.

crimes against peace This was the first category of "crimes coming within the jurisdiction of the Tribunal" specified by the Charter of the International Military Tribunal embodied in the Agreement for the Prosecution and Punishment of Major War Criminals of the European Axis of 8 August 1945 *(82 U.N.T.S. 279)*, and included without change in the Charter of the International Military Tribunal for the Far East ((1946) XIV D.O.S.B. 361). The category was stated to consist in "namely: planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." For an analysis of this category and of the views of the Tribunal on it see *The Charter and Judgment of the Nurnberg Tribunal, History and Analysis: Memorandum of the Secretary-General, UN Doc. A/CN.4/5.* And see Woetzel, *The Nuremberg Trials and International Law*; Appleman, *Military Tribunal and International Crimes.*

critical date This term, though the concept it connotes has always been implicit in territorial disputes, if not in all litigated matters, appears to have been derived from the terminology employed by the arbitrator in the *Island of Palmas Case* (1928). As there used *(2 R.I.A.A. 829, 845)* and in the *Eastern Greenland Case ((1933) P.C.I.J., Ser A/B, No. 53, 45)* the term indicates the date as at which the rights of the parties are to be determined and actions subsequent to which are, for the purposes of the proceedings, irrelevant. For an analysis of possible criteria for the determination of the critical date see Fitzmaurice, The Law and Procedure of the ICJ, etc., Part II, *(1955-6) 32 B.Y.I.L. 20 at 23-4.* See also the *Minquiers and Ecrehos Case, (1953) I.C.J. Rep., 47,59-60.* And see Jennings, *The Acquisition of Territory in International Law, 31-5,* and Blum, *Historic Titles in International Law, 208-22.*

Cultural Property, Convention for Protection of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict *(249 U.N.T.S. 215)* was opened for signature on 14 May 1954, art. 1 containing a definition of such property for its purposes: "(*a*) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above; (*b*) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (*a*) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (*a*); (*c*) centres containing a large amount of cultural property as defined in sub-paragraphs (*a*) and (*b*), to be known as 'centres containing monuments'."

custom, customary international law Art. 38(1) of the ICJ Statute directs the Court to apply, inter alia, "international custom, as evidence of a general practice accepted as law" and such is generally regarded as a source of international law and to consist

"c.f.," "▷") and write down all the citations to primary (original documents) and secondary (discussions, commentaries, analyses) sources that are provided. Normally, references to legal sources are abbreviated (e.g., ILM = International Legal Materials). When using international law dictionaries and other books be sure to check and see if there is a list of abbreviations used in the text (usually to be found at the beginning or the end of the book). If not, you will find a dictionary of abbreviations at the Reference Desk, or you can consult sources such as the Dictionary of Legal Abbreviations (REF KF 246 B46) or the Uniform System of Citation (REF KF 245 U55). At this point, you either have references to, or the text of, the major international conventions regarding cultural property protection: the Hague Convention of 1954 (protection in time of war), the UNESCO Convention of 1970 (control of the illicit art trade) and the World Heritage Convention of 1972 (providing for the protection at the national and the international level of major cultural sites), and you have a brief summary of UNESCO and U.N. General Assembly activities in this area. You can either track down these references now, or you could look for books and articles that would help you analyse your subject and provide you with additional references.

DEEPENING YOUR RESEARCH I: LOCATING BOOKS

To locate books, do a subject search on InvestiGator. If you have a computer with a modem, you can search InvestiGator from home if you don't want to come into the library. To determine the appropriate subject headings to type in, 1) consult the Library of Congress Subject Headings (LCSH), the big red volumes near the InvestiGator terminals on the first floor, to come up with a list of relevant subject headings, and/or 2) choose the "any word in title" option on the right hand side of the InvestiGator screen, and type in keywords that are likely to occur in the titles of books on your topic. Display the list of these titles and look at the records for those titles that sound useful; you can then extend your search to look at the subject headings assigned to each of these titles. Look for books that are about your subject per se, and look for books about broader and narrower subjects that would include a discussion of your subject. For instance, you could do the following "any word in title" searches:

law art (it doesn't matter if you type art first or law first, however the computer will process the results faster if you put the title word that is less common first; since SFSU does not have a law school, there are probably more titles with art in the title than with law in the title, so "law art" will be slight faster than "art law."

property cultural

law war

elgin

Cultural exchange programs
USE Cultural relations
Exchange of persons programs
Intellectual cooperation
Cultural geography
USE Human geography
Cultural history
USE Civilization—History
Cultural lag
[HM101]
UF Culture lag
Lag, Cultural
BT Culture
Progress
Social change
Social evolution
NT Compensatory education
Cultural life
USE Intellectual life
Cultural parks *(May Subd Geog)*
BT Parks
— New York (State)
NT Hudson-Mohawk Urban Cultural Park (N.Y.)
Cultural pluralism
USE Pluralism (Social sciences)
Cultural policy *(Not Subd Geog)*
Here are entered works on official government policy toward educational, artistic, intellectual and other cultural activities and organizations in general. Works on the government policy of a specific country, state, etc. are entered under [Place]—Cultural policy. Works on government policy toward a specific type of artistic or intellectual activity are entered under the appropriate subject, e.g. Literature and state.
UF Intellectual life—Government policy
State encouragement of science, literature, and art
BT Culture
Intellectual life
Popular culture
SA *subdivision* Cultural policy *under names of countries, cities, etc.*
NT Art and state
Cultural animation
Cultural property, Protection of
Libraries and state
Literature and state
Music and state
Social sciences and state
Theater and state
Cultural programs in libraries
USE Libraries—Cultural programs
Cultural property, Protection of *(May Subd Geog)*
UF Art treasures, Protection of
Cultural property, Protection of—Government policy
Cultural resources management
Protection of cultural property
War damage to cultural property
BT Cultural policy
SA *subdivision* Conservation and restoration *under types of art objects, library materials, and architecture, e.g.* Art objects—Conservation and restoration; Monuments—Conservation and restoration; Newspapers—Conservation and restoration
NT Art—Protection
Monuments—Recording
Salvage archaeology
— Government policy
USE Cultural property, Protection of
— Law and legislation *(May Subd Geog)*
— — Criminal provisions
Cultural property, Protection of (International law)
BT War (International law)
NT Art treasures in war

Cultural psychiatry *(May Subd Geog)*
[RC455.4.E8]
Here are entered works on the branch of psychiatry concerned with the influence of culture on mental health. Works on the branch of psychiatry concerned with the comparison of mental health and disorders in different cultures are entered under Psychiatry, Transcultural.
UF Culture and psychiatry
Ethnopsychiatry
Psychiatry, Cultural
Psychiatry and culture
BT Ethnopsychology
Social psychiatry
NT Psychiatry, Transcultural
— Cross-cultural studies
USE Psychiatry, Transcultural
Cultural relations
UF Cultural exchange programs
Intercultural relations
BT Intellectual cooperation
International relations
SA *subdivision* Relations *under names of countries, cities, etc.*
NT Exchange of persons programs
Cultural relativism
[GN345.5]
UF Relativism, Cultural
BT Ethnology
Ethnopsychology
Relativity
NT Ethnocentrism
Cultural resources management
USE Cultural property, Protection of
Cultural Revolution, China, 1966-1969
USE China—History—Cultural Revolution, 1966-1969
Cultural sociology
USE Culture
Cultural transformation
USE Social change

Political culture
Politics and culture
Psychoanalysis and culture
Religion and culture
Self-culture
Social evolution
Socialism and culture
Subculture
World Decade for Cultural Development, 1988-1997
— Origin
UF Origin of culture
BT Civilization—History
— Semiotic models
[GN357]
BT Ethnology—Methodology
Semiotics
Culture, Corporate
USE Corporate culture
Culture, Evolution of
USE Social evolution
Culture, Formal
USE Formal discipline
Culture, Popular
USE Popular culture
Culture alteration (Cytology)
USE Cell transformation
Culture and Christianity
USE Christianity and culture
Culture and cognition
USE Cognition and culture
Culture and communication
USE Communication and culture
Culture and communism
USE Communism and culture
Culture and education
USE Educational anthropology
Culture and Hinduism
USE Hinduism and culture
Culture and law

LCSH

UF = used for; don't use these

BT = broader term

SA = see also

NT = narrower term

al cultures

gy)

eog)

plunder

The InvestiGator computer assumes that you want to combine these title words in any order, that you want, for instance, law and war to both appear in the title in any order. However, unlike when you are searching on ProQuest, PAIS and LEXIS/NEXIS, you don't have to put the "and" between the keywords. Through using LCSH and the title keyword approach you would come up with the following relevant subject headings (when typing searches into InvestiGator you can ignore capitalization and punctuation):

Cultural property, Protection of
Cultural property, Protection of (International law)
Law and art
War (International law)
Restitution
Art - Protection
Art thefts
Antiquities - Thefts
Historic sites - Conservation and restoration
Antiquities - Collection and preservation
Elgin marbles
Art treasures in war

When you search the shelves for the books you have found on InvestiGator, browse through the titles adjacent to those whose call numbers you have; you will probably find other relevant books.

DEEPENING YOUR RESEARCH II: LOCATING PERIODICAL ARTICLES

You may find that there aren't any (enough) books on your topic, or that they're too outdated or not specific enough, or that they're checked out. In any case, you will want to supplement the analyses and commentaries and references to international law texts and cases that you've found in books with periodical articles on the topic. The books you have found will probably list some periodical articles. To locate others, you will want to use two indexes located in the REF Index Area: Current Law Index (CLI) (at some libraries this index may be available as Legal Resource Index or LegalTrac) and the Index to Legal Periodicals (ILP) (available at SFSU only through 1989). You will also want to use the LEXIS computer terminals in REF or GOVT. At large legal or research libraries you will also find the Index to Foreign Legal Periodicals. In the two REF indexes, you can search by subject (e.g., cultural property), by author (e.g., Merryman, Nafziger, Prott), by case name (e.g., Autocephalous Greek-Orthodox Church...) and by statute name (e.g., Cultural Property Implementation Act). Be sure to look under all the possible subject headings until you find the relevant one(s) (for example, ILP now uses the heading, Cultural property, but in the past it used the heading, Law in arts and literature (with a cross reference from Arts to this heading)).

La revision del Codigo Penal de Puerto Rico. (Evaluacion del Codigo Penal de Puerto Rico) by Miguel Hernandez Agosto
24 Revista Juridica de la Universidad Interamericana de Puerto Rico 1-4 Sept-Dec '89

see also
Accomplices
Assault and battery
Bribery
Capital punishment
Conspiracy
Contempt of court
Criminal act
Criminal justice, Administration of
Criminal liability
Criminal procedure
Drunkenness (Criminal law)
Entrapment (Criminal law)
Executions and executioners
Extenuating circumstances
Fines (Penalties)
Fraud
Homicide
Insurance crimes
International offenses
Libel and slander
Mistake (Criminal law)
Murder
Obscenity (Law)
Offenses against the environment
Offenses against the person
Parole
Perjury
Poisoning
Probation
Punishment
Racketeering
Rape
Robbery
Self-defense (Law)
Suicide
Tax evasion

-Cases

Criminal law - definitional instruction - reasonable doubt definitional instruction results in abolishing 'exclusion of outstanding reasonable hypothesis' as standard of review in circumstantial evidence cases. (Case Note) Geesa v. State 820 S.W.2d 154 (Tex. Crim. App. 1991) by John J. Lapham
23 St. Mary's Law Journal 1195-1203 Spring '92

CRIMINAL law, International *see*
International offenses

CRIMINAL liability
Dealing with the diminished responsibility offender. (New South Wales) (Editorial)
16 Criminal Law Journal 135-137 June '92
Forensic neuropsychology and the criminal law. (Special Issue: 'Expert Evidence) by Daniel A. Martell
16 Law and Human Behavior 313-336 June '92
Beard's close shave. (drunkenness and criminal liability - 1919 murder trial of Arthur Beard) (Great Britain) by Richard Whittington-Egan
142 New Law Journal 582(1) April 24 '92

see also
Drunkenness (Criminal law)
Entrapment (Criminal law)
Extenuating circumstances
Mistake (Criminal law)

CRIMINAL liability of juristic persons
Regulatory offences. (Canada) (Editorial) by Alan W. Mewett
34 Criminal Law Quarterly 257-258 May '92
Corporate successor criminal liability: the real crime. by Brian R. Becker
19 American Journal of Criminal Law 435-483 Spring '92
Environmental crime and punishment: legal/economic theory and empirical evidence of enforcement of federal environmental statutes. by Mark A. Cohen
82 Journal of Criminal Law and Criminology 1054-1108 Wntr '92

CRIMINAL procedure
Sold out. (comparison of British and American court systems) by Keith Evans
142 New Law Journal 690(2) May 15 '92
Defendant required to give his evidence from the dock. (Great Britain)
56 Journal of Criminal Law 102-104 May '92
Procedure following community service order. (Great Britain)
56 Journal of Criminal Law 121-122 May '92
The significance of guidelines. (sentencing guidelines in drunk driving cases) (Great Britain)
56 Journal of Criminal Law 132-134 May '92
Delay and abuse of process. (Great Britain)
56 Journal of Criminal Law 115-116 May '92
Dismissal of alternative charge. (Great Britain)
56 Journal of Criminal Law 114-115 May '92
Joinder of summary offence count. (Great Britain)
56 Journal of Criminal Law 153-155 May '92
Fundamental justice - disclosure. (Canada) by Alan D. Gold
34 Criminal Law Quarterly 271-276 May '92
Unminuted adjournments in criminal procedure. (Great Britain) by P.W. Ferguson
37 Journal of the Law Society of Scotland 152-154 April '92
Criminal law and procedure - rule 36. (Massachusetts) by Veronica Serrato
77 Massachusetts Law Review 59(2) March '92
Criminal procedure. (Annual Survey of Michigan Law: June 1, 1990 - May 31, 1991) by Peter Jon Van Hoek
38 Wayne Law Review 853-917 Wntr '92

Justice done and justice seen to be done - the public administration of justice. (examination of the principle that justice should be administered in open court) (New Zealand) by Claire Baylis
21 Victoria University of Wellington Law Review 177-211 May '91

see also
Appellate procedure
Arrest
Bail
Confession (Law)
Courts-martial and courts of inquiry
Criminal courts
Criminal law
Criminal registers
Detention of persons
Double jeopardy
Evidence, Circumstantial
Evidence, Criminal
Executions and executioners
Extradition
Grand jury
Instructions to juries
Judgments
Law and fact
New trials
Psychology, Forensic
Public defenders
Searches and seizures
Sentences (Criminal procedure)
Speedy trial
Trial practice

CRIMINAL psychology
see also
Psychology, Forensic

CRIMINAL records *see*
Criminal registers

CRIMINAL registers
Spent convictions: no disclosure required after crime-free period. (Australia)
30 Law Society Journal 23(2) April '92

CRIMINAL responsibility *see*
Criminal liability

CRIMINAL restitution *see*
Reparation

CRIMINAL statistics
The effects of emergency medical care on the homicide rate: some additional evidence. by David J. Giacopassi, Jerry R. Sparger and Preston M. Stein
20 Journal of Criminal Justice 249-259 May-June '92

see also
Criminal registers

CRIMINALS
see also
Criminal justice, Administration of
Fugitives from justice
Rehabilitation of criminals
Sex offenders

CRIMINALS, Rehabilitation of *see*
Rehabilitation of criminals

CRITICAL care medicine
see also
Terminal care

CRITICAL legal studies
From the worlds of 'others': minority and feminist responses to critical legal studies. (For Mary Joe Frug: A Symposium on Feminist Critical Legal Studies and Postmodernism) by Phyllis Goldfarb
26 New England Law Review 683-710 Spring '92
What's wrong with rights? by Amy Bartholomew and Alan Hunt
9 Law & Inequality: A Journal of Theory and Practice 1-58 Nov '90

CRITICAL legal studies movement *see*
Critical legal studies

CRITICALLY ill
see also
Terminally ill

CROATIA
Testing the moral limits of self-determination: Northern Ireland and Croatia. (Ethnic Identity, National Identity: The Future of the Nation-State) by Gerard F. Powers
16 The Fletcher Forum of World Affairs 28-49 Summer '92

see also
Yugoslavia

CROSS-EXAMINATION
The perfect question; setting the trap in cross-examination. by Paul Ivan Birzon
78 ABA Journal 78(1) July '92

see also
Confrontation (Criminal law)
Impeachment of witnesses

CROSSES
see also
Symbolism

CROWD control *see*
Spectator control

CROWDS
see also
Demonstrations
Spectator control

CROWN lands
see also
Public lands

CRT'S *see*
Video display terminals

CRUDE oil *see*
Petroleum

CRUELTY to children *see*
Child abuse

CRUMMEY trusts
Digging deeper into irrevocable life insurance trusts. by Burke A. Christensen
131 Trusts & Estates 65(2) June '92

CRYOBIOLOGY
see also
Frozen human embryos

CULTURAL policy
A comparative study of cultural property import regulation: the United States, the United Kingdom and Canada. by Lisa Marie Rafanelli
15 Columbia - VLA Journal of Law & the Arts 543-565 Summer '91

see also
Art and state
Cultural property, Protection of
Federal aid to the arts

CULTURAL property, Protection of
A comparative study of cultural property import regulation: the United States, the United Kingdom and Canada. by Lisa Marie Rafanelli
15 Columbia - VLA Journal of Law & the Arts 543-565 Summer '91

CULTURAL property, Protection of (International law)
Evaluating the effectiveness of foreign laws on national ownership of cultural property in U.S. courts. by Judith Church
30 Columbia Journal of Transnational Law 179-229 Fall '92

CULTURE
see also
Cultural policy
Education

CULTURE and law
I hear cacophony: Herzog and 'The Republic of Choice.' (response to Don Herzog's review, Law and Social Inquiry, v. 17, p. 147, Winter 1992) by Lawrence M. Friedman
17 Law and Social Inquiry 159-166 Wntr '92

CULTURE, Corporate *see*
Corporate culture

CUMULATIVE trauma disorders
see also
Carpal tunnel syndrome

CUNY Law School *see*
New York, City University of. Queens College. School of Law

CURRENCY *see*
Money

CURRENCY exchange *see*
Foreign exchange

CURRENCY market *see*
Foreign exchange market

CURRENCY question
see also
Central banks
Finance, Public
Monetary policy
Money

CUSTODY of children
Boy wants divorce from parents; suit seeks to sever parental ties, pave the way for adoption by foster caretakers. (Florida) by Mark Hansen
78 ABA Journal 24(1) July '92
How to handle custody cases. (Family Law) by Phyllis G. Bossin
28 Trial 24(4) June '92
Re R: the resurrection of parental powers? (Great Britain) by Jenny Urwin
8 Professional Negligence 69(5) June '92
The Hague Convention; the Children Act and other recent developments. by Mark Everall
22 Family Law 164-166 April '92
Contact and open minds. (Great Britain) (Editorial) by Mary Ryan
22 Family Law 129(1) April '92
Contact within different legal contexts. (Great Britain) by Ines Weyland
22 Family Law 138-144 April '92
That they may thrive goal of child custody: reflections on the apparent erosion of the tender years presumption and the emergence of the primary caretaker presumption. by Sanford N. Katz
8 The Journal of Contemporary Health Law and Policy 123-136 Spring '92
Minors, medical treatment, and interspousal disagreement: should Solomon split the child? by Matthew S. Feigenbaum
41 De Paul Law Review 841-884 Spring '92
Reducing the pain of a child custody struggle. by Hugh McIsaac
14 Family Advocate 26(5) Spring '92
Who should be the mediator? Working alone or in tandem with you, a mental-health expert can make all the difference in your case. by Joan B. Kelly
14 Family Advocate 18(5) Spring '92
Preparing clients for custody evaluations. by H. Elizabeth King and Carol Webb
14 Family Advocate 13(2) Spring '92
Out of the mouths of babes: determination of child custodial preference in Illinois. (Illinois Judicial Conference Symposium) by J. Peter Ault
23 Loyola University of Chicago Law Journal 383-396 Spring '92
Child sexual abuse in custody and visitation litigation: representation for the benefit of victims. by Sharon R. Lowenstein
60 UMKC Law Review 227-282 Winter '91
Frozen embryos: new technology meets family law. (Women's Law Forum) by Natalie K. Young
21 Golden Gate University Law Review 559-590 Fall '91

see also
Visitation rights (Domestic relations)

CUSTOMARY law
Legal change, customary right, and social conflict in late eighteenth-century England: the origins of the the great gleaning case of 1788. (Steel v. Houghton et Uxor) by Peter King
10 Law and History Review 1-31 Spring '92

see also
Common law

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To determine if the legal periodicals you want are available in PERS, look them up on InvestiGator or in the P.O.S.T. list. ILP abbreviates the periodical titles so be sure and look in the front of ILP to see what the abbreviations stand for so you can locate the periodical.

Many of the law journals indexed in CLI and ILP will not be available in PERS since we don't have a law school, but they may be available on LEXIS. Check the alphabetical list of LEXIS files, or log on to LEXIS, choose the LAWREV library and look through the list of periodicals that are available to see if the one you want is listed. If the periodical is available on LEXIS, search in the LAWREV library and go into the ALLREV file or go into the file for the specific periodical you want (e.g., AJIL file if you want the American Journal of International Law). There are many ways to search at this point, but a simple one is to search by keywords in the title of the article. You need to type "and" to connect keywords. Examples of searches in the ALLREV file:

title(ownership and antiquities)
title(tribunal and cultural property)
title(thinking and cultural property)
title(cultural property and india and japan)

Rather than looking for specific articles, you can search for all relevant law review articles on LEXIS by doing a keyword search in the ALLREV file. Examples:

cultural property or art or antiquities w/1 theft or trade or market
cultural property or art or antiquities or archaeolog! w/50 stolen or theft or restitution or UNESCO and date aft 1985
common pre/1 heritage w/25 cultural nationalism or national partimony
(hague w/5 1954) or world heritage

In the above examples, w=within so many words of, in any order; pre=before and within so many words of; ( )=this set will execute first; if you didn't have the ( ) in the above example, you would get hague within 5 words of either 1954 or of world heritage rather than hague within 5 words of 1954 or, on the other hand, world heritage because, unless you alter the order of execution of steps on LEXIS by using ( )s, "or" executes before "pre" and "w" and "and" executes last; !=a truncation symbol: archaeolog! retrieves archaeology, archaeological, archaeologist(s).

If the legal periodicals you found in CLI and ILP are not available in PERS or on LEXIS, you can go to a local law library or get copies of the articles through the Document Delivery Service, 1st floor (if the periodicals are available at a CSU library). To determine if the periodicals are available at UCB's Boalt Hall Library, look them up by exact periodical title (f xpe columbia vla, for example) on MELVYL, the UC online catalog, or use

the CALLS list at the REF Desk. To determine if they are at a CSU library, search MELVYL, the CALLS list or the CSU Union List at the REF Desk. The reference librarians may be able to search OCLC for you to determine if a periodical is at Hastings Law School Library (CUH). MELVYL is available through Gopher (various terminals in the library) or, if you have a computer with a modem, you can search from home.

As you go through the articles you've found, note the references to treaties, cases, documents, books and other periodical articles in the footnotes. You'll want to track them down (especially, the ones that are most frequently referred to). In the cultural property area, one among several examples is Paul Bator's 1982 article in 34 Stan. L. Rev. 275.

You may also want to look for articles in scholarly periodicals in areas other than law per se. Some of the most useful indexes are: International Political Science Abstracts, PAIS (in print or searchable on CD-Rom beginning in 1993), Social Sciences Index and Social Sciences Citation Index. Other indexes may be relevant depending on the topic. For instance, in the case of our sample topic, you would also want to use the Art Index. Ask at the REF Desk about appropriate specialized subject indexes such as the Art Index.

To track current developments, you would also want to look for non-scholarly news articles (articles in newspapers and news magazines). To locate these, search indexes such as the New York Times Index and the ProQuest PA Research I and ProQuest Newspaper Abstracts on Disc databases. You can also search for news articles on the LEXIS/NEXIS computers. Search in the NEXIS library (CURRNT and ARCHIV files) or the WORLD library (ALLWLD file). Example:

cultural property or (UNESCO w/25 heritage) and date is 1992

The above search was done in mid 1992 and retrieved articles from around the world about topics such as the need for the U.S. to ratify the Hague Convention of 1954, the Canadian Cultural Property Export and Import Act, recently discovered instances of looting of art works by GIs during World War II, the increase in plundering of Cambodian temples, the looting of Kuwaiti art treasures during the Iraqi occupation, the proposed EC regulation and directive on trade in cultural property, the destruction of cultural sites in Bosnia and Croatia, the Parthenon/Elgin marbles, Czeck efforts to stem art smuggling from Prague, the return of art treasures to Ecuador and ancient textiles to Bolivia by the U.S. Customs Service, the Chinese government's attitude toward removal of cultural property by imperialist scholars, the U.S. decision to extend its import embargo on works from one of El Salvador's most important archaeological zones and UNESCO's efforts to develop a pictorial database documenting world heritage sites such as Dubrovnik so that damage to them can be assessed. As you find stories that interest you, you can then do new searches to retrieve more articles on the specific subject. Examples:

historic! sites or cultural sites or cultural heritage or heritage sites and Dubrovnik or Split or Mostar or Sarajevo and date aft 6/91
temples or archaeolog! or artifacts or antiquities w/25 khmer or cambodia! or kampuchea and date aft 1991

INTERNATIONAL CONVENTIONS - TREATY RESEARCH

Definitions

International agreements are most frequently referred to as treaties, but other terms include conventions, executive agreements, acts, covenants, pacts, protocols. Treaties are only binding on the parties, but, not infrequently, they codify international legal custom and so are universally binding. An important international document which attempts a codification of international customary law as it applies to treaties and a progressive development of that law is the Vienna Convention on the Law of Treaties 1155 UNTS 331. The summary records and documents of the U.N. Conference on the Law of Treaties from which this agreement emerged can be found in U.N. document A/Conf.39/11 and ADD.2 in GOVT.

When an international conference is held to draft a convention, it is not uncommon for states to sign the agreement (because it would be embarassing not to) even though they do not intend to formally legally accept it. Formal legal acceptance is referred to as acceptance, adherence, adhesion, accession, consent to be bound, ratification, approval, becoming a party. Accession refers to the process whereby states not originally signatories to an agreement formally agree to become bound by it. State signatories who later formally consent to become bound by a treaty are referred to as parties. For more information about the process, see Review of the Multilateral Treaty Making Process (GOVT ST/LEG./SER.B/21).

Compendia

There are a number of books which include the text of the major treaties and international agreements. If you do a subject search on InvestiGator under the subject headings, International law - Sources and Treaties - Collections, you will find books such as Basic Documents in International Law (REF JX 68 B37), International Law: The Essential Treaties and Other Relevant Documents (REF JX 171 I535), International Organization and Integration: Annotated Basic Documents of International Organizations and Agreements (REF JX 171 I55) and Treaties and Allliances of the World (GOVT Desk JX 4005 T72).

Indexes to Treaty Collections

If the U.S. Is a Party

The State Department publishes an annual index to its treaty series and to other important treaty collections. Treaties in Force (GOVT Desk S 9.14:) is organized into two parts: an index to bilateral treaties arranged by country subdivided by topic (for example, Mexico - Cultural...) and an index to multilateral treaties arranged by subject (e.g., Cultural Property, Cultural Relations, World Heritage). Treaties in Force also lists the state parties to multilateral conventions. For example, from looking at Treaties in Force it is obvious that the World Heritage Convention of 1972 is adhered to by a wide range of states while the UNESCO Convention of 1970 is adhered to by the art exporting countries but not the art importing countries (with the exception of Canada and the U.S., with reservations and understandings).

To locate U.S. treaties no longer in force, you can use older editions of Treaties in Force, BEVANS index discussed below and other treaty indexes discusssed below. To update the indexing provided by Treaties in Force, use the Monthly Catalog of Government Publictions, 1895- (GOVT Index) (also searchable from 1976 on as GPO on SilverPlatter or as database 40 on CARL UnCover (available through Gopher)). I will refer to all three of these versions as GPO in this guide. You can search by subject (e.g., cultural property), by title or by series, Treaties and Other International Acts Series (TIAS). Example on SilverPlatter:

treaties with international acts series and py>1990

Here "with" would search for "treaties" in the same sentence as "international acts series", and "py>1990" would search for treaties published in this series after 1990.

Because the publication of treaties in TIAS is so far behind, there are several other souces you should consult to locate recent treaties. The U.S. Department of State. Dispatch (formerly Bulletin) (PERS) includes information about recent treaty activities (also reprinted in International Legal Materials (ILM). ILM, located in GOVT, is probably the most important single international law source and should be regularly consulted by every student of international law. Dispatch, the Bulletin and ILM are all searchable on LEXIS/NEXIS (WORLD library or INTLAW library; DSTATE and ILM files). Treaties pending Senate approval are published as Senate Treaty (formerly Executive) Documents. To locate treaties in these series, use GPO, the Congressional Index (available at SFSU for 1953 on) or the Congressional Information Service (CIS) Index, 1970 on (all located in the GOVT Index Area). The Congressional Index is the most current of these since its a looseleaf service, and it includes status information on treaties pending Senate action including references to the Senate Foreign Relations Commitee's recommendations on the treaty published in the Senate Executive Reports series. There is a treaty section in each biannual Senate volume of the index which includes a subject index and a status section. However, the CIS Index is more comprehensive, providing call numbers for Congressional hearings

Nigeria
Tanzania
Uganda
United States
Zimbabwe

Amendments:
September 7, 1966 (17 UST 2378; TIAS 6184; 592 UNTS 204).
July 31, 1979 (30 UST 6220; TIAS 9549).
December 9, 1983 (TIAS 10857).

NOTES:
[1] With a statement.

CULTURAL PROPERTY

Statutes of the International Centre for the Study of the Preservation and Restoration of Cultural Property. Done at New Delhi November–December 1956, and revised April 24, 1963 and April 14–17, 1969; entered into force May 10, 1958; for the United States January 20, 1971.
22 UST 19; TIAS 7038.
States which are parties:
Albania
Algeria
Argentina
Australia
Austria
Barbados
Belgium
Benin
Brazil
Bulgaria
Burkina Faso
Burma
Cambodia
Canada
Chile
Colombia
Cote d'Ivoire
Cuba
Cyprus
Denmark
Dominican Rep.
Ecuador
Egypt
Ethiopia
Finland
France
Gabon
Germany, Fed. Rep.[1]
Ghana
Greece
Guatemala
Guinea
Honduras
India
Iran
Iraq
Ireland
Israel
Italy
Japan
Jordan
Korea, Dem. People's Rep.
Korea, Rep.
Kuwait
Lebanon
Libya
Luxembourg
Madagascar
Malaysia
Malta
Mexico
Morocco
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Somalia
Spain
Sri Lanka
Sudan
Suriname
Sweden
Switzerland
Syrian Arab Rep.
Thailand
Tunisia
Turkey
United Kingdom
United States
Vietnam
Yugoslavia

NOTES:
[1] Applicable to Land Berlin.

Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. Done at Paris November 14, 1970; entered into force April 24, 1972; for the United States December 2, 1983.
TIAS ; 823 UNTS 231.
States which are parties:
Algeria
Argentina
Bolivia
Brazil
Bulgaria
Burkina Faso
Byelorussian Soviet Socialist Rep.[1]
Cambodia
Cameroon
Canada
Central African Rep.
Colombia
Cuba
Cyprus
Czechoslovakia
Dominican Rep.
Ecuador
Egypt
El Salvador
German Dem. Rep.
Greece
Guatemala
Guinea
Honduras
Hungary
India
Iran
Iraq

14

CULTURAL PROPERTY (Cont'd)

Italy
Jordan
Korea, Dem. People's Rep.
Korea, Rep.
Kuwait
Libya
Mali
Mauritania
Mauritius
Mexico
Nepal
Nicaragua
Niger
Nigeria
Oman
Pakistan
Panama
Peru
Poland
Portugal
Qatar
Saudi Arabia
Senegal
Spain
Sri Lanka
Syrian Arab Rep.
Tanzania
Tunisia
Turkey
Ukrainian Soviet Socialist Rep.[1]
Union of Soviet Socialist Reps.[1]
United States[2]
Uruguay
Yugoslavia
Zaire
Zambia

NOTE:
[1] With declaration.
[2] With reservation and understandings.

CULTURAL RELATIONS

(See also WORLD HERITAGE)

Treaty on the protection of artistic and scientific institutions and historic monuments. Signed at Washington April 15, 1935; entered into force August 26, 1935.
49 Stat. 3267; TS 899; 3 Bevans 254; 167 LNTS 279.
States which are parties:
Brazil
Chile
Colombia
Cuba
Dominican Rep.
El Salvador
Guatemala
Mexico
United States
Venezuela

Convention concerning artistic exhibitions. Signed at Buenos Aires December 23, 1936; entered into force December 7, 1937.
51 Stat. 206; TS 929; 3 Bevans 383; 181 LNTS 151.

find: treaties and cultural property 86

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SilverPlatter 3.0        GPO on SilverPlatter 1976 - 6/92     F10=Commands F1=Help
IMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMM;
:                                                                      1 of 6  :
: AN--GPO ACCESSION NUMBER: 91075720                                           :
: SU--SUDOCS NUMBER: S 9.10:11075                                              :
: SU--SUDOCS NUMBER: S91011075                                                 :
: CA--CORPORATE AUTHOR: Ecuador.                                               :
:  United States. Dept. of State.                                              :
:  United States. 1983 Nov. 17.                                                :
: TI--TITLE: Cultural property : recovery and return : agreement between the   :
: United States of America and Ecuador, signed at Washington November 17,      :
: 1983.                                                                        :
: OT--OTHER TITLES: Treaties, etc. 1983 Nov. 17.                               :
: SO--SOURCE: Washington, D.C. : Dept. of State : For sale by the Supt. of     :
: Docs., U.S. G.P.O., [1991].                                                  :
: PY--PUBLICATION YEAR: 1991                                                   :
: PD--PHYSICAL DESCRIPTION: 11 p. ; 24 cm                                      :
: SE--SERIES: United States. Treaties, etc. (Treaties and other international  :
: acts series) ; 11075.                                                        :
: NT--DESCRIPTIVE NOTE: English and Spanish.                                   :
:  Shipping list no. 91-287-P.                                                 :
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Press ENTER to Mark records for PRINT or DOWNLOAD. Use PgDn and PgUp to scroll.
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SUDOC # (call #)

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IMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMM;
: IS--ISBN/ISSN: 0160313112 : $1.00                                            :
: IT--ITEM NUMBER: 899                                                         :
: SN--STOCK NUMBER: 844-001-00703-1                                            :
: DE--DESCRIPTORS: Cultural-property,-Protection-of-Law-and-legislation-       :
: Ecuador.                                                                     :
:  Cultural-property,-Protection-of-Law-and-legislation-United-States.         :
: PT--PUBLICATION TYPE: Monograph                                              :
: OC--OCLC NUMBER: 24080741                                                    :
: UD--UPDATE DATE: 9107                                                        :
:                                                                              :
:                                                                      2 of 6  :
: AN--GPO ACCESSION NUMBER: 91073040                                           :
: SU--SUDOCS NUMBER: S 9.10:11077                                              :
: SU--SUDOCS NUMBER: S91011077                                                 :
: CA--CORPORATE AUTHOR: Guatemala.                                             :
:  United States. Dept. of State.                                              :
:  United States. 1984 May  21.                                                :
: TI--TITLE: Cultural property : recovery and return : agreement between the   :
: United States of America and Guatemala, signed at Washington May 21, 1984.   :
HMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMMM<
MENU:  Mark Record   Select Search Term   Options   Find   Print   Download

Press ENTER to Mark records for PRINT or DOWNLOAD. Use PgDn and PgUp to scroll.
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ILM reprint of U. S. Dept. of State Dispatch 8c

1991 provisionally; definitively, 60 days following an exchange of notes in which the parties inform each other of the fulfillment of requirements of their respective national legislation.

Turkey
Memorandum of understanding concerning technical cooperation in the field of environmental protection. Signed at Ankara Dec. 10, 1991. Entered into force Dec. 10, 1991.

Venezuela
Memorandum of understanding concerning scientific and technical cooperation in the earth and mapping sciences. Signed at Caracas Jan. 15, 1992. Entered into force Jan. 15, 1992.

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[1] Declarations.
[2] Reservations. ■

[March 30, 1992, p. 259]

Multilateral

Aviation
Convention on international civil aviation. Done at Chicago Dec. 7,1944. Entered into force Apr. 4, 1947. TIAS 1591.
Adherence deposited: Estonia, Jan. 24, 1992; Lithuania, Jan. 8, 1992.

Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, supplementary to the convention of Sept. 23, 1971 (TIAS 7570). Done at Montreal Feb. 24, 1988. Entered into force Aug. 6, 1989.[1]
[27 I.L.M. 627 (1988)]
Ratification deposited: Argentina, Feb. 12, 1992.

Cultural Property
Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property. Done at Paris Nov. 14, 1970. Entered into force Apr. 24, 1972.
[10 I.L.M. 289 (1971)]
Ratification deposited: Angola, Nov. 7, 1991.

Labor
Instrument for the amendment of the constitution of the International Labor Organization. Done at Montreal Oct. 9, 1946. Entered into force Apr. 20, 1948; reentered into force for the United States Feb. 18, 1980. TIAS 1868.
Acceptance deposited: Estonia, Jan. 13, 1992.

Maritime Matters
Convention on the International Maritime Organization, as amended. Done at Geneva Mar. 6, 1948. Entered into force Mar. 17,1958. TIAS 4044, 6285, 6490, 8606, 10374, 11094.
Acceptance deposited: Estonia, Jan. 31, 1992.

Pollution
Basel convention on the control of transboundary movements of hazardous wastes and their disposal, with annexes. Done at Basel Mar. 22, 1989.
[28 I.L.M. 656 (1989)]
Accession deposited: Australia, Feb. 5, 1992.
Enters into force: May 5,1992.[1]

Property, Industrial
Amendments to the Paris Convention of Mar. 29, 1883 as revised at Stockholm July 14, 1967, for the protection of industrial property. Done at Geneva Oct. 2,1979. Entered into force June 3,1984. TIAS 6923, 7727.
[6 I.L.M. 806 (1967)]
Accession deposited: Gambia Oct. 21, 1991.

Territorial Sea
Convention on the territorial sea and the contiguous zone. Done at Geneva Apr. 29, 1958. Entered into force Sept. 10, 1964. TIAS 5639.
Accession deposited: Lithuania, Jan. 31, 1991.

Whaling
Protocol to the international convention for the regulation of whaling (TIAS 1849). Done at Washington Nov. 19, 1956. Entered into force May 4, 1959. TIAS 4228.
Adherence deposited: Chile, Feb. 5, 1992.

World Heritage
Convention concerning the protection of the world cultural and natural heritage. Done at Paris Nov. 23, 1972. Entered into force Dec. 17, 1975. TIAS 8226.
[11 I.L.M. 1358 (1972)]
Acceptance deposited: El Salvador, Oct. 8,1991.
Ratifications deposited: Angola, Nov. 7, 1991; Saint Lucia, Oct. 14, 1991; San Marino, Oct. 18, 1991.

Bilateral

Argentina
Agreement regarding the consolidation and rescheduling or refinancing of certain debts owed to, guaranteed by, or insured by the United States Government and its agencies, with annexes. Signed at Washington Dec. 6, 1991. *Entered into force:* Feb. 10, 1992.

Cape Verde
International express mail agreement, with detailed regulations. Signed at Praia and Washington Dec. 27,1991 and Feb. 25,1992. *Entered into force:* Mar. 7, 1992.

China
Memorandum of understanding on the protection of intellectual property. Signed at Washington Jan. 17, 1992. Entered into force Jan. 17, 1992.

Djibouti
Agreement relating to the employment of dependents of official government employees. Effected by exchange of notes at Djibouti Nov. 21 and Dec. 24, 1991. Entered into force Dec. 24, 1991.

Estonia
International express mail agreement, with detailed regulations. Signed at Tallin and Washington Dec. 31,1991 and Feb. 10, 1992. Entered into force Mar. 7, 1992.

Germany
Memorandum of understanding for cooperation within the area of short range air defense (SHORAD) command and control systems for the purpose of standardization and interoperability. Signed at Alexandria and Bonn June 14 and Dec. 20, 1991. Entered into force Dec. 20, 1991.

Hungary
Agreement relating to employment of dependents of official government employees. Effected by exchange of notes at Budapest Nov. 18,1991 and Jan. 16, 1992. Entered into force Jan. 16, 1992.

Japan
Memorandum of understanding concerning cooperation in the field of hydrology, water resources, and global climate change, with addendum. Signed at Reston and Tsukuba Jan. 3 and Feb. 3, 1992. Entered into force Feb. 3, 1992.

Korea
Agreement for the safeguarding of secrecy of inventions relating to defense and for which applications for patents have been made. Signed at Seoul Jan. 6, 1992. Enters into force on the 30th day after the day on which the governments have notified each other that all legal requirements have been fulfilled.

Mexico
Agreement concerning technical cooperation in chemistry, physics, and engineering measurement sciences, with annex and appendix. Signed at Mexico Jan. 29, 1992. Entered into force Jan. 29, 1992.

Panama
Swap agreement among the United States Treasury, the Government of Panama, and the Banco National de Panama, with letter of understandings. Signed at Washington and Panama January 29 and 30,1992. Entered into force Jan. 30, 1992.

Senegal
Agreement regarding the consolidation and rescheduling of certain debts owed to, guaranteed by, or insured by the United States Government and its agencies, with annexes. Signed at Dakar Nov. 26,1991. Entered into force Feb. 10, 1992.

St. Vincent and the Grenadines
International express mail agreement, with detailed regulations. Signed at Kingstown and Washington Jan. 27 and Feb. 25, 1992. Entered into force Mar. 7, 1992.

Tunisia
Memorandum of understanding concerning the operation of the INTELPOST service, with details of implementation. Signed at Tunis and Washington December 19, 1989 and Oct. 3, 1991. Enters into force upon date mutually agreed upon by the administrations.

Venezuela
Agreement to suppress illicit traffic in narcotic drugs and psychotropic substances by sea. Signed at Caracas Nov. 9,1991. Entered into force Nov. 9, 1991.

[1]Not in force for the US. ■

[April 27, 1992, p. 332]

Multilateral

Consular Relations
Convention on consular relations. Done at Vienna Apr. 24, 1963. Entered into force Mar. 19, 1967; for the United States Dec. 24, 1969. TIAS 6820.
Accessions deposited: Latvia, Feb. 13, 1992; Uzbekistan, Mar. 2, 1992.

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Treaties Index

Congressional Index

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. fishing and fisheries . . . 102-30 (T. Doc.)
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. income tax . . . 102-6 (T. Doc.)
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. . ozone layer . . . 102-4 (T. Doc.)
Uruguay
. crime and criminal procedures
. . mutual legal assistance . . . 102-19 (T. Doc.)

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for the Prevention of Pollution of the Sea by Oil, as recommended by the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization and adopted by its Assembly on October 21, 1969.

Ordered reported: 7/30/71

Reported: S. Ex. Rept. 92-9, 8/5/71

92nd CONGRESS—1st SESSION

92-1, Executive L (11/22/71)—Foreign affairs and assistance—Treaties—Uniform rules

The Vienna Convention on the Law of Treaties, signed by the U.S. on April 24, 1970, would provide rules of international law applicable to treaties on such subjects as the conclusion and entry into force of treaties, their interpretations and applications and adjustments and changes.

92nd CONGRESS—2nd SESSION

92-2, Executive K (5/5/72)—Environmental protection—Oil pollution damage

Consisting of the Brussels Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (December 18, 1971) and Certain Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil of 1954, relating to Tanker Size and Arrangement and the Protection of the Great Barrier Reef.

94th CONGRESS—1st SESSION

94-1, Executive H (9/3/75)—Patents, copyrights and trademarks—International trademarks—Uniform procedures

The Trademark Registration Treaty, initiated by the U.S. and done at Vienna on June 12, 1973, establishes an international trademark filing arrangement whereby trademark registration effects in the member countries may be secured, maintained and renewed on a central international register of marks. The effects of registration are subject to the legal requirements of the participating States, except that for the first three years after application for registration, no treaty member may refuse the trademark protection on grounds that it has not been used during that period. This exception would require amendment of U.S. trademark laws.

95th CONGRESS—1st SESSION

95-1, Executive B (1/14/77)—Air transportation—International carriage

Consisting of the "Montreal Protocols No. 3 and 4" to Amend the 1929 Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air, as later amended.

Ordered reported: 11/10/81; 11/17/81; 2/3/83; 6/21/90; 1/29/91

Reported: S. Ex. Rept. No. 97-45, 12/16/81; S. Ex. Rept. No. 98-1, 2/10/83; S. Ex. Rept. No. 101-21, 6/28/90; S. Ex. Rept. No. 102-1, 2/5/91

95-1, Executive E (3/22/77)—Environmental protection—Ships—Marine pollution

Convention for the Prevention of Pollution from Ships, done at London on November 2, 1973, with Annexes I and II and two related Protocols. (A related 1978 Protocol was approved by the Senate on July 2, 1980. See Executive C, 96-1, CONGRESSIONAL INDEX for the 96th Congress.)

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and a very informative breakdown of the contents of Congressional hearings, reports and documents. It also indexes the Legislative Calendar (GOVT Index Area and CIS committee print mf) of the Senate Foreign Relations Committee which provides status information on treaties and serves as a legislative history. To locate the text of the President's treaty messages, you can use either the index to the Congressional Record (available in various formats in GOVT including for the recent period on LEXIS/NEXIS in the GENFED or LEGIS libraries) or the index to the Weekly Compilation of Presidential Documents (PERS) (searchable on LEXIS/NEXIS as the PRESDC file in the EXEC library). The Congressional Record also includes any changes to the treaty text originally published in the Senate Treaty Documents. Another source of treaties that have yet to be ratified is the subject index to the annual American Foreign Policy: Current Documents (GOVT S 1.71/2; treaty texts in mf supplement, 1987-).

Some treaties are self-executing; others require domestic implementing legislation. For example, the legislation implementing the 1970 UNESCO Convention is a good example of how domestic legislation can affect the nature of a treaty. The Convention calls on state parties to preserve and protect their cultural property, to maintain inventories of their cultural property and to control the illicit traffic in cultural property through the use of export certificates and the development of adequately staffed and trained customs services. Article 7 provides that documented cultural property stolen from a public institution such as a museum or monument be returned (at the requesting states expense) and that states prohibit museums under their control from acquiring cultural property that was illegally exported. This latter section applies only to national museums although it can be seen as calling on state parties to encourage all museums to adhere to this policy. Article 9 allows exporting states to call on importing states to embargo certain categories of their ethnological or archaeological cultural property which is jeopardized by massive pillaging. However, this clause does not require (absent a concerted international effort) importing states to acknowledge this crisis situation and establish an embargo. The domestic legislation passed by Canada and the U.S. illustrates how treaties with some mandatory and some optional clauses will apply differently to state parties depending on which clauses they opt to enforce through their domestic legislation. Canada's 1975 Cultural Property Export and Import Act prohibits the import of illegally exported cultural property from state parties to multilateral or bilateral conventions to which Canada adheres. It also provides a mechanism for states to request Canada to initiate legal proceedings to obtain the recovery of stolen cultural property. On the export side, it provides for a screening process to ensure that cultural property of outstanding significance is not exported from Canada and to provide for preemptive purchase by the government of significant cultural property to prevent its export if possible. The 1982 American Cultural Property Implementation Act which implements articles 7 and 9 of the UNESCO Convention, on

the other hand, does not commit the U.S. to enforcing the cultural property export regulations of other state parties to the UNESCO COnvention, and it does not establish any regulations governing the export of cultural property from the U.S.

In general, the instances of U.S. enforcement of article 9 embargoes and of entering into of bilateral conventions on the return of cultural property involve Latin American cultural property. As is the case with many international legal relationships, political factors are relevant. U.S. regulation of Latin American cultural property imports can be seen as a exchange for Latin American regulation of drug exports, and U.S. protection of El Salvadorean archaeological resources can be seen as a reward for that country's support of American Central American policy.

To locate foreign legislation, in some instances you can search LEXIS. The laws of the United Kingdom, France and the European Community are available on LEXIS (INTLAW library; UKCODE, FRCODE, ECLAW or FRJO files). FRench files are in French. To find information about the laws of other countries (such as Canada's Cultural Property Export and Import Act), look for books and articles about the international proptection of cultural property that discuss the legislation of different or of specific countries, and look for foreign cases (to be discussed below) that analyse and interpret foreign laws.

To locate U.S. laws, as well as LEXIS (GENFED library; USCODE file), there are a number of print sources that are easy to use. If you know the popular name or a treaty or law (e.g., Cultural Property Implementation Act), the first place to look is Shepard's Acts and Cases by Popular Name (GOVT Desk KF 90 S52). Shepard's Acts will refer you to the volume and page of the U.S. Statutes at Large where you can find the text of the law as originally passed and to the title and section of the U.S. Code where you can find the text of the law currently in force including amendments. For instance the CPIA has been amended to tranfer to the U.S. Information Agency and to the State and Treasury Departments various powers originally vested in the President. If the act is not listed in Shepard's Acts, you can use the subject index to the U.S. Code Service. The annotations in the Code Service will refer you to the original Statutes should you wish to trace the historical evolution of the law. As always, when using subject indexes, be sure to look under all the synonyms you can think of (e.g., art archaeology, cultural property, UNESCO) and follow through on cross references.

If the American law has not passed or if you wish to locate earlier versions of the bill which finally passed, use the Congressional Index to locate the bill(s); the subject index is in the Senate volume. Use the CIS Index to locate Congressional hearings, documents and reports about the issue. Use the Congressional Record Index to locate debates on the floor of the House and the Senate about the bill(s). The CIS Index will tell you who testifyed before Congress (an excellent source of pros and cons about an issue) and, if the witnesses brought any published or unpublished research about the issue with them to be added to

the hearing transcipt, an excellent source of writings about the topic which may not be elsewhere available in the library.

Through using the indexes to U.S. treaties discussed above (Treaties in Force, GPO, etc.) you would have come up with the following list of multilateral and bilateral treatries to which the U.S. is a party:

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO 1970)

Convention Concerning the Protection of the World Cultural and Natural Heritage ((World) Heritage Convention 1972)

Treaty on the Protection of Artistic and Scientific Institutions and Monuments (the Roerich Pact of 1935 promulgated by the Pan American Union and a precursor of the 1954 Hague Convention)

Cultural Property: Recovery and Return: Agreement between the U.S. and Guatemala, Washington, 1984

Cultural Property: Recovery and Return: Agreement between the U.S. and Ecuador, Washington, 1983

Cultural Property: Recovery and Return: Agreemnt between the U.S. and Peru, Lima, 1981

Treaty of Cooperation with the United Mexican States Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Propeties, 1970

At large law or research libraries you will find a few other indexes to U.S. treaties. Igor Kavass has produced several indexes to U.S. treaties (look in the library catalog under his name as author or under the subject, United States - Foreign Relations - Treaties - Indexes). The Congressional Information Service has produced an index to Senate executive reports and documents for the period 1818-1969 called CIS Index to U.S. Senate Executive Reports and Documents.

If the U.S. Is not Necessarily a Party

There are two useful indexes to multilateral treaties that are regularly updated and provide status information: Bowman and Harris' Multilateral Treaties: Index and Current Status (GOVT Desk Z 6464 T8 B69) and the United Nations' Multilateral Treaties Deposited with the Secretary General (GOVT Desk ST/LEG./SER. E). The bound volume of Bowman and Harris' index provides a broad subject index (e.g., educational and cultural) and a keyword index (e.g., cultural, archaeological). The treaty descriptions with status information are arranged by number in chronological order. The cumulative paper supplement is in two parts: new treaties by entry number and treaties that appeared in the bound volume (by their entry number in that volume) with updated status information.

CIS Index

Insertions: Health care cost containment, J of the Medical Assn of Ga, May 1977, selected articles (p. 168-184).

"Community Hospitals in Georgia; Analysis of a Vital Georgia Industry," Ga Hosp Assn (p. 199-208).

S361-30 ADJUSTMENT OF ZERO BRACKET AMOUNT FOR RESIDENTS OF CERTAIN STATES.
Mar. 1, 1978. 95-2.
iii+31 p. † CIS/MF/3
•Item 1038. *Y4.F49:Z5.
MC 78-22465. LC 78-602125.

Hearing before the *Subcom on Taxation and Debt Management Generally* to consider S. 2554 (text, p. 2-3), to increase the zero income tax bracket and personal exemption amounts for residents of Alaska and Hawaii to reflect recent OMB upward adjustment of Federal poverty guidelines in these States based on their relatively higher cost of living.

Includes correspondence and Congressional Record excerpt on similar S. 1978. (p. 27-31)

S361-30.1: Mar. 1, 1978. p. 6-11.

Witness: **SUNLEY, Emil M.,** Dep Asst Sec, Tax Policy, Treas Dept.

Statement and Discussion: Opposition to S. 2554 due to viewed inequity of selected tax relief.

S361-30.2: Mar. 1, 1978. p. 12-17.

Witness: **HOLLANDER, Edward D.,** sr vp, Robert R Nathan Assocs.

Statement and Discussion: Summary of study findings regarding current income tax impact on Alaska's low income families.

S361-30.3: Bill Support.

Witnesses: **SANDERS, Michael I.,** partner, Ginsburg, Feldman, and Bress, p. 17-21.
GALLAGHER, Sterling, commr, Alaska Dept of Revenue, p. 21-27.

Statements and Discussion: Support for S. 2554.

S361-31 CONVENTION ON CULTURAL PROPERTY IMPLEMENTATION ACT.
Feb. 8, 1978. 95-2.
iv+303 p. † CIS/MF/6
•Item 1038. *Y4.F49:C89.
MC 78-22458. LC 78-602973.

Hearing held before the *Subcom on International Trade* to consider H.R. 5643 and companion S. 2261 (texts, p. 2-16), the Convention on Cultural Property Implementation Act, to implement the UNESCO Convention on Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

Bills, in addition to requiring U.S. cooperation with signatory countries to interdict stolen cultural property, would authorize U.S. entry into bilateral agreements with nonsignatory countries and imposition of unilateral import restrictions to prevent importation of pillaged archeological and ethnological materials.

Supplementary material (p. 59-69, 174-303) includes submitted statements, correspondence, and:

a. Transcript of seminar on international protection of cultural property, Proceedings of the Amer Society of Intl Law, Apr. 21-23, 1977 (p. 209-223).

b. Transcript of symposium on legal aspects of international traffic in stolen art, Syracuse J of Intl Law and Commerce, Summer 1976 (p. 224-267).

S361-31.1: Feb. 8, 1978. p. 16-19, 26-39.

Witness: **FELDMAN, Mark B.,** Dep Legal Advisor, State Dept.

Statement and Discussion: Administration support for bills and explanation of provisions; advisability and effect of unilateral U.S. action; views on declining U.S. influence in UNESCO.

S361-31.2: Bills Support.

Witnesses: **MIKVA, Abner J.,** (Rep, D-Ill), p. 19-26.
LEE, Sherman, dir, Cleveland Museum of Art; representing Assn of Art Museum Dirs and Coll Art Assn, p. 52-54.
STIEBEL, Gerald G., pres, Natl Antique and Art Dealers Assn of Amer, p. 54-59.
VITELLI, Karen D., ancient studies prof, Univ of Md; editor, J of Field Archaeology; representing Archaeological Inst and Assn for Field Archaeology, p. 70-132.
DAVENPORT, William, curator, Univ Museum, Univ of Pa; representing Amer Anthropological Assn, p. 144-148.
CLELAND, Charles, curator of anthropology, Mich State Univ; representing Natl Archaeological Socs and Soc of Professional Archaeologists, p. 161-163.

Statements and Discussion: Support for H.R. 5643 and S. 2261; importance for archaeology of preserving geographical context of artifacts (Vitelli); recommendations.

Insertions: "Treasures of the Maya," Ron Yates (p. 23-26).

News and commentary on illicit antiquities market, K. D. Vitelli, J of Field Archaeology, 1976-77 (p. 82-132).

S361-31.3: Bills Opposition.

Witnesses: **EWING, Douglas C.,** pres, Amer Assn of Dealers in Ancient, Oriental, and Primitive Art, p. 39-52.
EMMERICH, Andre, art dealer, p. 39-52.
BRANDT, Alan, art dealer, p. 39-52.
MARKS, Peter, art dealer, p. 39-52.
RHODES, Reilly P., museum dir, Bowers Museum; bd member, Balboa Arts Conservation Center, p. 133-143.
MORGAN, Monroe, chm, Ethnic Arts Council, Los Angeles, Calif, p. 149-154.
WEINBERG, Saul S., dir emeritus, Museum of Art and Archaeology, Univ of Mo, p. 154-160.
MOORE, Lee, art dealer, Miami, Fla, p. 163-174.

Statements and Discussion: Opposition to bills and to U.S. unilateral action; recommendations.

S361-32 EXTENSION OF THE TEMPORARY LIMIT ON THE PUBLIC DEBT.
Mar. 14, 1978. 95-2.
iii+84 p. il. † CIS/MF/3
•Item 1038. *Y4.F49:P96/17.
LC 78-602690.

Hearing before the *Subcom on Taxation and Debt Management Generally* to consider the Administration's request to raise temporarily the statutory ceiling on the national debt.

H783-41 RURAL HEALTH CLINIC SERVICES.
July 29, 1977. 95-1.
iii+20 p. † CIS/MF/3
•Item 1008-A.
H. Rpt. 95-548, pt. 1.

Recommends passage with amendments of H.R. 8422, to amend the Social Security Act, to provide for medicare payments to certain rural health clinics for medical services furnished by authorized primary medical care practitioners.

Also provides for demonstration projects to evaluate reimbursement to clinics in medically underserved urban areas, and for comprehensive outpatient mental health services.

H783-42 END STAGE RENAL DISEASE PROGRAM.
July 29, 1977. 95-1.
iii+41 p. † CIS/MF/3
•Item 1008-A.
H. Rpt. 95-549.

Recommends passage with amendments of H.R. 8423, to amend the Social Security Act, to modify the medicare end stage renal disease program to: provide incentives for use of self-dialysis; eliminate disincentives to kidney transplantations; modify treatment reimbursement methods; and provide for more rigorous program review.

H783-43 INCREASING THE TEMPORARY DEBT LIMIT.
Aug. 4, 1977. 95-1. 17 p.
† CIS/MF/3 •Item 1008-A.
H. Rpt. 95-569.

Recommends passage of H.R. 8655, to increase the temporary public debt limit through FY78, and to increase the limit on the amount of long term, interest-bearing bonds that may be issued for the same period.

Includes minority views (p. 15-17).

H783-44 IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY.
Sept. 21, 1977. 95-1. 21 p.
† CIS/MF/3 •Item 1008-A.
H. Rpt. 95-615

Recommends passage, with an amendment in the nature of a substitute, of H.R. 5643, the Convention on Cultural Property Implementation Act, to implement articles of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Allows the President to enter into bilateral or multilateral agreements, or to take action, restricting importation of stolen archeological or ethnological materials at the request of a foreign state party to the convention.

H.R. 5643 is related to 94th Congress H.R. 14171 and 93d Congress H.R. 11754.

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DURATION	Unspecified. Denunciation permitted after 5 years from entry into force for state concerned, effective 1 year or longer specified period after notification: Art 12. Art 19 provides for a power of suspension in time of war or other hostilities.
RESERVATIONS	No clause
AUTHENTIC TEXTS	E F
DEPOSITARY	IMO
OPEN TO	Members of UN or any Specialised Agency or parties to ICJ Statute: Art 14, as amended
PARTIES (68)	ALGERIA 20 Jan 64; ARGENTINA* 30 Sep 76; AUSTRALIA 29 Aug 62; AUSTRIA 19 May 75; BAHAMAS* 22 Jul 76; BANGLADESH 28 Sep 81; BELGIUM 16 Apr 57; BULGARIA* 28 Oct 76; CANADA 19 Dec 56; CHILE* 2 Aug 77; CYPRUS 10 Jun 80; DENMARK 26 Nov 56; DOMINICAN REP 29 May 63; EGYPT 22 Apr 63; FIJI* 15 Aug 72; FINLAND 30 Dec 58; FRANCE* 26 Jul 57; GDR* 25 Jan 79; GFR* 11 Jun 56; GHANA 17 May 62; GREECE 28 Mar 67; GUINEA 19 Jan 81; ICELAND 23 Feb 62; INDIA 4 Mar 74; IRELAND 13 Feb 57; ISRAEL** 11 Nov 65; ITALY* 25 May 64; IVORY COAST 17 Mar 67; JAPAN 21 Aug 67; JORDAN 8 May 63; KENYA 12 Sep 75; KOREA (SOUTH) 31 Jul 78; KUWAIT 27 Nov 61; LEBANON 31 May 67; LIBERIA* 28 Mar 62; LIBYA 18 Feb 72; MADAGASCAR 1 Feb 65; MALDIVES 17 May 82; MALTA 10 Jan 75; MEXICO 10 May 56; MONACO 25 Mar 70; MOROCCO 29 Feb 68; NEW ZEALAND 1 Jun 71; NIGERIA 22 Jan 68; NORWAY* 26 Jan 57; PANAMA* 25 Sep 63; PAPUA 12 Mar 80; PHILIPPINES 19 Nov 63; POLAND 28 Feb 61; PORTUGAL* 28 Mar 67; QATAR 31 Jan 80; SAUDI ARABIA* 30 Dec 71; SENEGAL 27 Mar 72; SPAIN 22 Jan 64; SURINAME 1 Dec 76; SWEDEN 24 May 56; SWITZERLAND 12 Jan 66; SYRIA 24 Dec 68; TUNISIA* 11 Jun 73; UK* 6 May 55; USSR* 3 Sep 69; US* 8 Sep 61; URUGUAY 9 Dec 75; VANUATU 2 Feb 83; VENEZUELA 12 Dec 63; YEMEN (ADEN) 20 May 69; YEMEN 6 Mar 79; YUGOSLAVIA 11 Mar 74
TERRITORIAL SCOPE	See Art 17. Declared applicable, effective immediately unless otherwise stated: GFR - Land Berlin; UK - 19 Sep 80, eff 1 Dec 80 Bermuda, US - 9 Sep 75 Puerto Rico, Guam, Canal Zone, Virgin Is, Am Samoa, Pacific Trust Terr; 18 Mar 76 Midway Is, Wake Is, Johnston Is
SIGNATORIES	SRI LANKA 12 May 54
DENUNCIATIONS	NETHERLANDS acc 24 Jul 58, den 1 Jun 83
AMENDMENTS	

1962 Amendments, 600 UNTS 332; UKTS 59(1967), Cmnd 3354; 17 UST 1523, TIAS 6109; JOF 20 Dec 67; 1967 RTAF 88. In force 28 Jun 67 (Art 14) and 18 May 67 (remainder) for all parties other than those making a declaration of non-acceptance. Poland does not accept the amendment to Art 14. Italy originally did not accept the amendments but subsequently did so on 28 Jul 71

1969 Amendments, UKTS 21(1978), Cmnd 7094; 28 UST 1205, TIAS 8505; JOF 11 Jan 78; 57 Vert A 731. In force 20 Jan 78 for all parties. The Philippines acceptance is subject to a declaration

1971 (Great Barrier Reef) Amendments, Misc 32(1972), Cmnd 5090. Entry into force 12 months after acceptance by 2/3 (i.e. 46) parties. 26 acceptances to date. Not in force

1971 (Tanks) Amendments, Misc 36(1972), Cmnd 5071. Entry into force as above. 25 acceptances to date. Not in force

NOTES — This Convention prohibits, subject to certain exceptions, the discharge of oil into designated zones of sea, and imposes obligations with respect to the provision of facilities in ports for discharge of oily ballast water, the fitting of vessels with oily-water separators etc. The present Convention is replaced by the 1973 Prevention of Pollution from Ships Convention, as amended (treaty 719) for the parties to both. See also the 1969 Intervention and Civil Liability Conventions (treaties 549, 550).

Bowman & Harris. Multilateral Treaties

TREATY 304 — **CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT AND PROTOCOL**

CONCLUDED	14 May 54, The Hague
LOCATION	249 UNTS 215; Misc 6(1956), Cmd 9837; JOF 25 Oct 60; 1960 RTAF 72; 33 Vert A 452; 14 Ruster 7132
ENTRY INTO FORCE	7 Aug 56. Later acceptances effective 3 months after deposit: Art 33

DURATION	Unspecified. Denunciation permitted on 1 years notice, but if party concerned is involved in armed conflict at the expiry of that period, not effective until the end of hostilities and any repatriation of cultural property: Art 37
RESERVATIONS	No clause
AUTHENTIC TEXTS	E F R S
DEPOSITARY	UNESCO
OPEN TO	All states invited to the Hague Conference of Apr-May 54: Art 30 any any other state invited by the Executive Board of UNESCO (Art 32)
PARTIES (Convention 71, Protocol 60)	ALBANIA 20 Dec 60 P; AUSTRIA 25 Mar 54 P; BELGIUM 16 Sep 60 P; BRAZIL 12 Sep 58 P; BULGARIA* 7 Aug 56 P 9 Oct 58; BURMA 10 Feb 56 P; BYELORUSSIAN SSR* 7 May 57 P; CAMEROON 12 Oct 61 P; CUBA 26 Nov 57 P; CYPRUS 9 Sep 64 P; CZECHOSLOVAKIA* 6 Dec 57 P; DOMINICAN REP 5 Jan 60; ECUADOR 2 Oct 56 P; EGYPT 17 Aug 55 P; FRANCE* 7 Jun 57 P; GABON 4 Dec 61 P; GDR* 16 Jan 74 P; GFR* 11 Aug 67 P; GHANA 25 Jul 60 P; GREECE 9 Feb 81 P; GUINEA 20 Sep 60, P 11 Dec 61; HOLY SEE 24 Feb 58 P; HUNGARY 17 May 56 P 16 Aug 56; INDIA* 16 Jun 58 P; INDONESIA 10 Jan 67, P 26 Jul 67; IRAN 22 Jun 59 P; IRAQ 21 Dec 67 P; ISRAEL 3 Oct 57 P 1 Apr 58; ITALY* 9 May 58 P; IVORY COAST 24 Jan 80; JORDAN 2 Oct 57 P; KAMPUCHEA 4 Apr 62 P; KUWAIT 6 Jun 69, P 17 Feb 70; LEBANON 1 Jun 60 P; LIBYA 19 Nov 57 P; LIECHTENSTEIN 28 Apr 60 P; LUXEMBOURG 29 Sep 61 P; MADAGASCAR* 3 Nov 61 P; MALAYSIA 12 Dec 60 P; MALI 18 May 61 P; MEXICO* 7 May 56 P; MONACO 10 Dec 57 P; MONGOLIA 4 Nov 64; MOROCCO 30 Aug 68 P; NETHERLANDS* 14 Oct 58 P; NICARAGUA 25 Nov 59 P; NIGER 6 Dec 76 P; NIGERIA 5 Jun 61 P; NORWAY** 19 Sep 61 P; OMAN 26 Oct 77; PAKISTAN 27 Mar 59 P; PANAMA 17 Jul 62; POLAND* 6 Aug 56 P; QATAR 31 Jul 73; ROMANIA* 21 Mar 58 P; SAN MARINO* 9 Feb 56 P; SAUDI ARABIA 20 Jan 71; SPAIN 7 Jul 60; SUDAN* 23 Jul 70; SWITZERLAND 15 May 62 P; SYRIA 6 Mar 58 P; TANZANIA 23 Sep 71; THAILAND 2 May 58 P; TUNISIA 28 Jan 81 P; TURKEY 15 Dec 65 P; UKRAINIAN SSR 6 Feb 57 P; USSR* 4 Jan 57 P; UPPER VOLTA 18 Dec 69; YEMEN (ADEN) 6 Feb 70 P; YUGOSLAVIA 13 Feb 56 P; ZAIRE 18 Apr 61 P. P indicates acceptance of the Protocol, on the same date as acceptance of the Convention, unless otherwise stated.
TERRITORIAL SCOPE	See Art 35. Declared applicable: GFR - Land Berlin. The USSR and other East European states objected to this extension. cf. p.3 above.
SIGNATORIES	ANDORRA (Urgel) 14 May 54; AUSTRALIA 14 May 54; CHINA (TAIWAN) 54 P; DENMARK 18 Oct 54 P; EL SALVADOR 14 May 54 P; JAPAN 6 Sep 54 P; NEW ZEALAND 20 Dec 54; PHILIPPINES 14 May 54 P; PORTUGAL 14 May 54; UK* 30 Dec 54; US 14 May 54; URUGUAY* 14 May 54 P. Note that the President of the French Republic, the other Co-Prince, regards the signature of the Bishop of Urgel for ANDORRA as null and void.
NOTES	This Convention imposes upon the parties obligations to safeguard property of cultural importance in their own or other states' territory in the event of armed conflict. It supplements and in certain respects modifies Hague Conventions II(1899) and IV and IX(1907) (treaties 16, 36 and 41) and the 1935 Roerich Pact, 167 LNTS 289; 33 Martens (3rd) 650; 139 BFSP 316; TS 899, 49 Stat 3267; 4 Malloy 4815; 7 Hudson 56. (See notes to treaty 686.) There are appended detailed regulations for the execution of the Convention. The Protocol, which entered into force on the same date as the Convention, imposes obligations not to export, or failing that to return, such property.

TREATY 305 — **CUSTOMS CONVENTION ON THE TEMPORARY IMPORTATION OF PRIVATE ROAD VEHICLES**

CONCLUDED	4 Jun 54, New York
LOCATION	282 UNTS 249; UKTS 1(1959), Cmnd 602; 8 UST 2097, TIAS 3943; ATS 2(1967); Can TS 34(1957); JOF 27 Jan 60; 1960 RTAF 10; 11 Vert A 133
ENTRY INTO FORCE	15 Dec 57. Later acceptances effective 90 days after deposit: Art 35
DURATION	As for treaty 306: Arts 36, 37
RESERVATIONS	Permitted: Art 39
AUTHENTIC TEXTS	E F S
DEPOSITARY	UN

The entries in the bound volume and the paper supplement indicate where the treaty is published, where it is deposited (e.g., with UNESCO, with the U.N. Secretary General), the signatories to the treaty, the parties and accessions to the treaty, any reservations or amendments to the treaty. The U.N. index is more limited in scope. It only includes treaties deposited with the U.N. Secretary General, the U.N. Charter, treaties deposited with the Secretary General of the League of Nations that have been transferred to the U.N. and a few pre-U.N. treaties that have been amended by protocols adopted by the U.N. General Assembly, but in many way its contents are similar (lists for each treaty of signatures, ratifications, accessions and reservations). U.N. treaties are arranged by broad subject, then chronologically; League of Nations treaties are listed chronlogically by date of U.N. action on them. There is a subject index. Citations are given to the United Nations. Treaty Series (UNTS) or, if not yet published, to U.N. documents. The UNTS also has its own indexes (GOVT Desk), but they are slow in coming out, and, although the U.N. Charter requires that treaties of member states be registered with the U.N., they seldom are, and so they aren't published in UNTS.

For major bilateral and multilateral agreements the most current source will generally be ILM. Each bimonthly issue has a table of contents and each November issue has an annual subject index. As well as reprinting the text of key agreements, ILM regularly provides current status information. ILM is searchable on LEXIS (WORLD or INTLAW libraries; ILM file or, in INTLAW; ILMTY file). LEXIS also includes European Community treaties (TREATY file in WORLD or EUROPE libraries) and economic and business treaties (see International Topical Materials and Treaties and Agreements lists of files in INTLAW library). NEXIS is also a useful source of recent treaty texts. Probably the most useful files to search for these are the ALLWLD file in the WORLD library and the MAJPAP file in the NEXIS library. For example, the text of the Commonwealth of Independent States Agreement on Return of Valuables to Their Country of Origin, Minsk, 1992, is available in the ALLWLD file as published by the BBC Summary of World Broadcasts from an ITAR-TASS document.

For older treaties there are two other useful indexes: Harvard Law School Library's Index to Multilateral Treaties (GOVT Desk JX 171 H35) covers treaties from 1596 to 1963 and the University of Washington's Treaty Research Center's World Treaty Index (2nd ed.: GOVT Desk JX 171 R63) covers multilateral and bilateral treaties from 1900 through 1980. The Index to Multilateral Treaties has a subject and regional index. The World Treaty Index has a keyword and a party index. Both are arranged chronologically; the latter includes information about parties. A final source worth mentioning is the U.S. State Department's Catalogue of Treaties, 1814-1918 (GOVT Desk JX 171 A4) which includes treaties even if the U.S. is not a party and covers selective treaties back as far as 1353. Arrangement is chronological with indexes by party.

Through using the indexes discussed above you would have now found references to the following conventions to which the U.S. is

ILM

RECENT ACTIONS REGARDING TREATIES TO WHICH THE UNITED STATES IS NOT A PARTY

+Cite as 31 I.L.M. 1004 (1992)+

United Nations Convention on Biological Diversity

The Convention on Biological diversity, which was opened for signature at Rio de Janeiro from June 5, 1992 to June 14,1992, and at U.N. Headquarters in New York from June 15, 1992 to June 4, 1993, is reproduced at 31 I.L.M. 818 (1992).

As of June 29, 1992, there were 158 signatories to the Convention. The following is the is the list of signatories in chronological order:

	Participant	Signature	
1.	Antigua and Barbuda	5 June	1992
2.	Australia	5 June	1992
3.	Bangladesh	5 June	1992
4.	Belgium	5 June	1992
5.	Brazil	5 June	1992
6.	Finland	5 June	1992
7.	India	5 June	1992
8.	Indonesia	5 June	1992
9.	Italy	5 June	1992
10.	Liechtenstein	5 June	1992
11.	Moldova	5 June	1992
12.	Nauru	5 June	1992
13.	Netherlands	5 June	1992
14.	Pakistan	5 June	1992
15.	Poland	5 June	1992
16.	Romania	5 June	1992
17.	Bostwana	8 June	1992
18.	Madagascar	8 June	1992
19.	Sweden	8 June	1992
20.	Tuvalu	8 June	1992
21.	Yugoslavia	8 June	1992
22.	Bahrain	9 June	1992
23.	Ecuador	9 June	1992
24.	Egypt	9 June	1992
25.	Kazakhstan	9 June	1992
26.	Kuwait	9 June	1992
27.	Luxembourg	9 June	1992
28.	Norway	9 June	1992
29.	Sudan	9 June	1992
30.	Uruguay	9 June	1992
31.	Vanuatu	9 June	1992
32.	Côte d'Ivoire	10 June	1992

not a party:

Convention for Protection of Cultural Property in the Event of Armed Conflict (Hague, 1954)
Convention on the Protection of the Archaeolgical, Historical and Artistic Heritage of the Americas (Convention of San Salvador, 1976)
European Convention on the Protection of the Archaeological Heritage (London, 1969)
European Convention on Offenses Relating to Cultural Property (Delphi, 1986)

At large law or resarch libraries you may also find a monthly source which (slowly) provides status information about treaties registered with the U.N.: the U.N. Legal Affairs Office publishes the Statement of Treaties and International Agreements Registered or Filed with the Secretariat during the Month of... with cumulative indexes by treaty number and subject.

Texts of Treaties

After using the indexes and finding aids discussed above, you will have citations to major sets of treaty documents. Usually you will have a citation that looks like this: 32 UST 335 (32 is the volume number; 335 the page number). One exception is TIAS citations which are arranged by number only (example: TIAS 9704). The following are the most important treaty sets:

American Foreign Policy: Foreign Affairs Press Briefings and Treaties, 1987- (GOVT S 1.71/2-2 mf).
Includes the U.S. conventions and treaties signed or concluded that year and awaiting Senate confirmation. Bound index in S 1.71/2.

BFSP or BSP — British and Foreign State Papers (GOVT mf: ask about location).
Published by the British Foreign Office, this historical set reprints treaties (including those to which Britain was not a party) and foreign constitutions. Each volume includes an index by subject and by country sudivided by subject.
Available at SFSU for the years 1812-1930.

BEVANS — Treaties and Other International Agreements of the U.S., 1776-1949 (GOVT S 9.12/2:)
This compilation includes U.S. treaties and executive agreements for the period before UST began publication. Texts are in English only. Volumes 1-4 include multilateral treaties arranged by date. Volumes 5-12 include bilateral treaties arranged by country and then by date. Volume 13 is the index.

HUDSON — International Legislation: A Collection of the Texts of Multipartite International Instruments of General Interest, Beginning with the Covenant of the League

of Nations. 9 vols. (JX 171 H8).
A selective collection of treaties for the period 1919-1945. Most of them do not appear in LNTS or BFSP. Texts are in English and, sometimes, French. Each volume includes a chronological list and a subject index. SFSU has volumes 2-8 only.

ILM — International Legal Materials, 1962- (Available on LEXIS, 1980-) (GOVT Index Area).
Often the first place where major international agreements appear. Text in English. Subject index is in the November issue. SFSU also has a cumulative index for 1970-79.

LNTS — League of Nations. Treaty Series. (GOVT).
Covers the period 1920-1945. Includes treaties registered with the League Secretariat. Text in English and French. Each volume includes a chronological, country and subject index. Nine cumulative indexes are also available.

MILLER — Treaties and Other International Acts of the United States of America. (GOVT S 9.5/1:).
Includes treaties for the period 1776- 1863. These treaties are published in BEVANS, but MILLER is important because texts are in English and the other official languages of the agreement. Arrangement is chronological.

Senate Treaty Documents (GOVT Y 1.1/4 mf, 97th Congress (1981)-)
Formerly called Senate Executive Documents (GOVT Y 1.1/3 mf and the Serial Set on the GOVT historical wall), 84th Congress, 2nd session, through 96th Congress available at SFSU. Because TIAS is so far behind, the treaty documents are often the only treaty texts available even after ratification. Modifications to the texts are published in the Congressional Record. However, an estimated 99% of U.S. international agreements are executive agreements rather than treaties requiring Senate approval. For a description of the Senate approval process, see Treaties and Other International Agreements: the Role of the U.S. Senate (GOVT Y 4.76/2:S.prt. 98-205) and Congressional Publications: A Reasearch Guide to Legislation, Budgets and Treaties (GOVT Desk JK 1067 Z85 1983). Senate treaty document citations are by Congress and treaty number (e.g., 97-15). Senate executive document citations are by Congress and session and alphabetical designation (e.g., 95-2, Ex.F or Ex.F, 95-2). Senate Executive Reports (GOVT Y 1.1/6: mf and the Serial Set) provide the recommendations of the Senate Foreign Relations Committee about the treaty.

STAT — United States Statutes at Large (GOVT Index Area).

This is the official publication containing U.S. treaties up to 1950. Treaties for the years 1776-1845 are in volume 8. After 1845 they are published in each sessional volume. Volumes 47-64 include executive agreements. Volume 64, Part 3, is an index by country and then by topic to all the previous volumes. BEVANS reprints the treaties and executive agreements originally published in the Statutes.

TIAS — Treaties and Other International Acts Series (GOVT S 9.10:).
This pamphlet series covers U.S. treaties for the period after 1945. Treaties are published in all the officical languages of the agreement. They are later republished in the bound UST volumes. For an explanation of which U.S. international agreements must be published in TIAS, see volume 22, section 181 of the Code of Federal Regulations (GOVT Index Area).

UNTS — United Nations. Treaty Series. (GOVT)
Contains treaties registered with the U.N. Secretariat. Text is in the official languages of the agreement with French and English translations if necessary. Each volume has its own index. Cumulative indexes are also available (GOVT Desk).

UST — United States Treaties and Other International Agreements (GOVT S 9.12:).
These bound volumes are the offical publication for U.S. treaties from 1950 on. The texts first appear in TIAS. Other documents relating to the treaty are also included. Each volume includes an index by subject and country.

WIKTOR — Unperfected Treaties of the United States of America, 1776-1976. (JX 236 1776 U56).
This annotated set contains treaties that the U.S. signed or concluded but that did not go into force. SFSU has volumes 1 (1776-1855) and 4-7 (1905-1945) only.

At large law or research libraries you will find a few other major treaty sets. Consolidated Treaties and International Agreements: Current Document Service: United States (CTIA) and Hein's United States Treaties and Other International Agreements: Current Microfiche Service (HEIN) include U.S. treaties from 1990 on. A CTIA for the European Community began publication in 1992. The same publisher's Consolidated Treaty Service (CTS) covers treaties for the years 1648-1919.

INTERNATIONAL CUSTOM

State Practice

Identifying international customary law as reflected in state practive is not easy. Books and articles about the topic (cultural property, law of war, law of the sea or whatever) and about particular countries' foreign relations and political systems and that of particular regions may be of help. Judicial decisions (to be discussed below) may discuss state practice. Following the U.S. example, some European and a few Asian countries publish digests that document (usually retrospectively) their international legal practive. However, these digests will only be found in large research libraries. Foreign legal materials containing constitutions, codes, statutes, executive decrees, regulations (often these legal materials will be published in daily or weekly government publications called gazettes) may document state practice, but, again, these will only be found in the largest libraries. One exception is the foreign laws searchable on LEXIS (at this point, limited to those of the UK, France and the EC) (INTLAW library; UKCODE, FRCODE, FRBO, ECLAW and FRJO files). Another exception is state constitutions. At SFSU you can use Peaslee's Constitutions of Nations (REF JF 11 P427 & K 3157 E5 P4). At large research libraries you will find a continuously updated looseleaf service called Constitutions of Countries of the World.

Because American legal materials are the most readily available and because the type of American legal materials published are representative of those published elsewhere, the following discussion will focus on American sources. Most governments are made up of three branches, the legislative, executive and judicial. The publications of the latter will be discussed separately below. The following is a schematic list of American executive and legislative legal publications.

	Source
EXECUTIVE	
Presidential speeches, proclamations, orders, treaty messages	Weekly Compilation of Presidential Documents (self indexed and searchable on LEXIS/NEXIS); executive orders are subsequently reprinted in the CFR.
Regulations of executive depts.	Federal Register (daily); codified by subject in the Code of Federal Regulations (CFR) Both are self indexed and the CFR is indexed by the Code Service, but it is easier to search them on LEXIS/NEXIS.
LEGISLATIVE	
Laws	U.S. Statutes at Large publishes them in chronological order.
Code	U.S. Code/ U.S. Code Service arranges the laws by subject. All three have subject indexes.
Legislative Histories	CIS Index, Congressional Index,

GPO and Congressional Record index will enable you to compile legislative histories. Since 1984 the CIS Index has published an annual legislative histories vol. that does the work for you.

There are several pieces of legislation the U.S. has enacted in the cultural property area. To locate these laws, use Shepard's Acts and Cases by Popular Name and the U.S. Code Service Index. The U.S. has used its National Stolen Property Act to force the return of stolen cultural property, but its use caused considerable controvery among those involved in the acquisition and sale of art works (particularly in cases where the ownership (title) issue was not clear), and it has not been used since the implementation of the UNESCO Convention. The only cultural property export legislation currently in force in the U.S., the Archaeological Resources Protection Act, governs the removal of artifacts from public lands and monuments and was a response to increased instances of looting of Indian artifacts as they became more valuable on the world market. The Pre-Columbian Monuments Act (Act on the Importation of Pre-Columbian Monumental or Archaeological Sculpture or Murals) is an example of the U.S. passing legislation to protect a certain category of cultural property (in the vein of article 9 of the UNESCO Convention) that was especially threatened. Importing countries such as the U.S. are most likely to respond to appeals to protect this type of cultural property because 1) it is indigenous in contrast, say, to a Monet in Italy and 2) thieves damage monumental sites when looting archaeological treasures and erase any record of the provenance of the objects they remove.

Perhaps the most significant contribution the U.S. has made to documenting state international legal practice is through the publcation of digests. These digests draw on executive (especially State Department), legislative and judicial documents that reflect U.S. international law practice and also summarize international law on a topic. The following digests cover American state practice from the founding of the nation.

Moore. Digest of International Law. 1906. (GOVT S 7.12a).
Index and lists of documents and cases cited in vol. 8.

Hackworth. Digest of International Law. 1940-44. (GOVT S 7.12).
Index and list of cases cited in vol. 8.

Whitman. Digest of International Law. 1963-73. (GOVT S 7.12/2 and JX 237 W55).
Index in vol. 15.

Digest of U.S. Practice in International Law. 1973- (annual but at least a decade behind) (JX 21 R68).
Each volume has its own index, and there is a cumulative index for 1973-1980.

In Whiteman's digest, for example, under "Cultural and

Historical Property" you would find a cross reference to "Armed Conflict and War" and to "Military Government and Occupation" which would lead you to, among other things, a discussion of the Roerich Pact and the 1954 Hague Convention (even though the U.S. has not ratified the latter because the Joint Chiefs felt it would hinder American nuclear war fighting capability). In the cumulative index to the Digest of U.S. Practice in International Law under "Cultural Affairs and Cultural Property" you would find more than a page of references including one leading to a State Department letter explaining why the U.S. has not signed the OAS Convention on Protection of the Archaelogical, Historical and Artistic Heritage (the U.S. prefers a global rather than a regional approach and objects to its comprehensive coverage of cultural exports and to the placing of enforcement responsibilities on importing states).

The periodical, American Journal of International Law, publishes a regular column called "Contemporary Practice of the U.S. Relating to International Law" which updates the Digest of U.S. Practice. The State Department also publishes two important series which document U.S. foreign policy. Foreign Relations of the U.S., 1861- (GOVT S 1.1:) is a documentary history of U.S. foreign relations. Published 30 years after the time period covered, it was originally intended as a source of secret and classified diplomatic history; however, in recent years, controvesy has resulted from charges that it is now being published in a sanitized version. In contrast, American Foreign Policy: Current Documents (GOVT S 1.71/2:) is a documentary record of public foreign policy. Previous editions have been entitled: Decade of American Foreign Policy (Serial Set 11308; revised edition, S 1.69:415) and American Foreign Policy: Basic Documents (S 1.71:117 and S 1.69:346).

International Organizations

The activities and decisions of international organizations contribute to the codification and development of international customary law. International organizations sponsor conferences from which treaty texts emerge, the U.N. General Assembly and the Security Council pass resolutions and, possibly most signifcantly, the U.N. International Law Commission codifies international law. The International Law Commission records the progress of its work in its Yearbook (GOVT A/CN.4/SER.A; formerly JX 1977 A2). Drafts of its codifications of specific areas of international law are published in the U.N. Legal Affairs Office's Legislative Series (GOVT ST/LEG./SER.B). The Legal Affairs Office also publishes a Juridical Yearbook (GOVT ST/LEG./SER.C) which includes the texts of treaties and documents concerning the legal status of U.N. organizations and discusses the legal activities of these organizations. It also covers international judicial decesions and includes a bibliography of books and articles. The United Nations' Repertory of Practice of United Nations Organs (GOVT) which is arranged by the articles of the Charter and the Repertoire of the Practice of the Security Council (GOVT ST/PSCA/1 and Add.), both

The Agreement is to be implemented by periodic two-year working programs to be concluded in the cultural, educational, scientific, and technological fields. The Agreement enters into force upon the date of written notification from the Government of the Hungarian People's Republic to the U.S. Government that the Agreement has been approved by the Hungarian Government.

Dept. of State *Press Release* No. 167 (Apr. 6, 1977).

U.S.–Bulgaria

On June 13, 1977, Lyudmila Zhivkova, Chairperson of Bulgaria's Committee for Art and Culture, and Joseph D. Duffey, Assistant Secretary of State for Educational and Cultural Affairs, signed a U.S.–Bulgarian Agreement on Exchanges and Cooperation in Cultural, Scientific, Educational, Technological and Other Fields. Along with the Agreement on Exchanges and Cooperation, Assistant Secretary Duffey and Chairperson Zhivkova also signed a detailed program document encouraging direct exchange between private institutions and providing for the exchange of specialists, international visitors, university lecturers, official exhibits and performing arts groups.

Articles I through V of the Agreement encourage exchanges and cooperation in the following areas: education, the humanities and social sciences; arts, culture, communications, sports and similar fields; pure and applied science and technology; cooperative research, joint seminars, and scientific visits; and travel. Article VI indicates that representatives of the United States and Bulgaria will meet to review activities and make recommendations. Article VII subjects the exchanges and cooperation engaged in pursuant to the Agreement to the Constitution and applicable laws of the respective countries. The Agreement enters into force upon an exchange of notes between the parties indicating that the Agreement has been approved by their competent authorities.

Dept. of State Press Release 271 (June 13, 1977).

Multilateral Agreements

Organization of American States Convention

On August 23, 1977, Terence A. Todman, Assistant Secretary for Inter-American Affairs, Department of State, sent a note to Ambassador Rodolfo Silva, Chairman of the Permanent Council of the Organization of American States, concerning the Convention on the Protection of the Archaeological, Historical, and Artistic Heritage of

American Nations adopted by a resolution of the Organization of American States on June 16, 1976. The note signed by Assistant Secretary Todman explained why the United States had not signed this OAS Convention and why the United States supports the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer Ownership of Cultural Property adopted on November 14, 1970, at the 16th Session of the UNESCO General Conference.

Portions of the note by Assistant Secretary Todman follow:

* * *

My government understands the reason for interest in its position. Certainly no system intended to control the international movement of cultural property can be effective without the full participation of all states which might provide either a source or a market for such items, and the United States is one of the major art markets in the hemisphere. However, the same logic which indicates the importance of U.S. support for an inter-American approach to this problem suggests the need for the cooperation of countries outside the inter-American system as well. We must all recognize that trafficking in stolen art, whether it be pre-Columbian or more modern, transcends the boundaries of this hemisphere. A regional approach cannot offer more than a partial solution to this problem.

For this reason, the United States believes strongly that our first priority should be to implement a global strategy to prevent the illicit import, export, and transfer of ownership of cultural property. In our view, the convention adopted by UNESCO in 1970 establishes the necessary basic framework for any such system. The United States worked closely with Mexico and the Latin American caucus at UNESCO to develop this convention, and we believe it can attract the support of those countries throughout the globe whose cooperation is necessary to make it effective.

We are pleased to note that seven Latin American countries have already ratified the UNESCO convention, and the United States is moving to join them. The U.S. Senate gave its advice and consent to ratification of the convention in 1972, and the Congress is presently considering a bill which would provide the necessary implementing legislation. When enacted, the United States will deposit its instrument of ratification.

My government believes that we should give the UNESCO program an opportunity to prove itself before considering a purely regional approach. After it has been in effect for a significant period, we will be in a position to judge the usefulness and necessity of additional regional restrictions. However, my government does not feel that the present OAS cultural property convention could offer a viable regional approach.

We believe the convention adopted by the Sixth General Assembly is too broad in scope and rigid in its enforcement provisions. It would effectively prohibit the import and export of an enormous range of cultural materials—without regard for their value or

very slow in publication, compile information about the legal activities and decisions of U.N. organs.

General Assembly resolutions may reflect international customary law. This is most likely to occur when they articulate a consensus of state opinion. The Declaration on the Granting of Independence to Colonial Countries and Peoples is an example of such a resolution. Other General Assembly resolutions may through their evolution reflect an emerging consensus.

The quickest way to locate General Assembly resolutions if you suspect there has been one passed recently is to use the subject index to the U.N. Public Information Office's annual press release volume containing the texts of resolutions from the latest session of the General Assembly (GOVT Desk). Typically, resolutions list earlier resolutions that they are based on and, hence, provide a finding aid to these, and they cite relevant U.N. and related documents about the subject matter of the resolution. The press release volume also indicates which committee of the General Assembly passed the resolution and at which meeting (so you can locate the debate) and indicates how each state voted.

For instance, General Assembly resolution 46/10 (46th session, 10th resolution) recalls the previous resolutions on return or restitution of cultural property from 3187 (XXVIII) (28th session) to 44/18. It refers to pages of the latest UNESCO General Conference proceedings and to the latest UNESCO Director General's report on the subject, and it refers to documents that include the draft version of the resolution. From the voting record on this resolution and earlier related ones it is clear that they are supported by third world states and states such as Greece who wishes the return of the Parthenon marbles and increased international control of illegally excavated and exported cultural property. The developed art importing states abstain (with the exception, in the case of the recent resolutions, of Canada, Australia and New Zealand who are probably as much concerned about controlling their own art exports as they are about controlling imports from other countries). The first General Assembly resolutions on return or restitution of cultural property grew out of colonial (especially African) states demands that art exported during the colonial period be returned to them. Since then, the focus of these resolutions has shifted to reflect UNESCO standard setting activities in this area: emphasis on states' duties to preserve and protect their cultural property which belongs to the cultural heritage of all mankind, emphasis on the UNESCO Convention as a way of controlling illicit movement and emphasis on return or restitution, not of all art, but of representative pieces. Whether this pattern of modifications will result in the emergence of a consensus remains to be seen.

If there isn't a current General Assembly resolution on the topic you're researching, you'll want to turn to the U.N. Public Information Office's Yearbook (latest GOVT Desk) which includes chapters on all subjects taken up by the U.N. and cites references to relevant documents and reprints resolutions with voting records. Since this yearbook is usually about five years behind, you will

also want to turn to the annual Index to the Proceedings of the General Assembly (GOVT Index Area). The subject index will lead you to resolutions, debates, reports and documents. The Index also includes the voting record for each resolution. SFSU receives the S.R.s (summary official record of commitee meetings) in a timely fashion. The P.V.s (plenary verbatim official records) for the General Assembly as a whole and for the 1st Committee are published about five years after the session. However, SFSU is now receiving provisional verbatim records for the General Assembly as a whole; these are published in a timely fashion. General Assembly resolutions and reports of U.N. organs such as the International Law Commission are published as Supplements to the Official Records and arrive in a more timely fashion than the official P.V.s. Some documents (including draft documents and other L (limited distribution) documents are published (slowly) in the Annexes to the Official Records and are arranged by agenda number (the Index to the Proceedings provides this agenda number). Reports and documents with numbers higher than 49 or so (e.g., A/46/497) are mimeographed documents and will only be found at large research libraries (unless they are reprinted in the Annexes). The U.N. Official Records are listed in the GOVT card catalog by body (e.g., General Assembly, Security Council), and then by session and then by type in alphabetical order: General Assembly Annexes, General Assembly Committee Summary and Verbatim Records, General Assembly Plenary Verbatim Records, General Assembly Supplements. They are arranged on the GOVT shelves by the document numbers listed in the Index and on the catalog cards.

Indexes to the Proceedings of the Security Council, the Economic and Social Council and the Trusteeship Council are also available. There is no press release volume of Security Council resolutions, but important resolutions will be reprinted in ILM (for example, Security Council Resolution 687 (S/RES/687) setting forth the terms of the Iraqi ceasefire including a provision that all Kuwait property be returned). There is also a handy single volume index to, and compilation of, Security Council resolutions, Resolutions and Statements of the United Nations Security Council (1946-1989): A Thematic Guide (GOVT Desk JX 1977 A59).

To locate U.N. and other international organization publications other than U.N. Official Records, you can use subject indexes such as UNDOC (formerly UNDEX and United Nations Documents Index) or, if there is a statistical component to the publication, the IIS Index, 1983- (available on Statistical MasterFile CD-Rom, 1992-). A useful alternative to searching UNDOC is to search MELVYL or, using MELVYL as a gateway, Stanford's online catalog. You can then check the SFSU GOVT card catalog (arranged by organization name and then title) to see if we have the international government publications you have found. To search MELVYL for publications of a particular international goverment organization, during non-peak hours, you can do a search such as the following:

f (xc unesco or xc united nations educational) and su cultural

Index to the Proceedings of the General Assembly

A/C.2/44/SR.46 (27 Nov. 1989).
A/C.2/44/SR.48 (4 Dec. 1989).
Discussion in plenary
A/44/PV.85 (22 Dec. 1989).
At the 85th meeting, draft resolution VII in A/44/832/Add.1 (originally in A/C.2/44/L.59) was adopted without vote: resolution 44/238.
Resolutions
A/RES/44/238 World Decade for Cultural Development.
Invites Member States that have not yet done so to establish national committees for the Decade and otherwise to strengthen their efforts to implement the Plan of Action for the Decade; requests the Secretary-General, in co-operation with the Director-General of Unesco to strengthen co-ordination of the activities undertaken by the organizations and programmes of the UN system in support of the Decade; requests the Secretary-General, with the assistance of the Director-General of Unesco, to obtain the views of Governments, appropriate organs and organizations of the UN system and relevant intergovernmental and non-governmental organizations on the objectives and scope of the global review for the purpose of evaluation, as recommended in paragraph 92 of the report of the Secretary-General and the Director-General on the Decade, and to submit those views to the General Assembly at its 45th session, through the Economic and Social Council (adopted without vote, 85th meeting, 22 Dec. 1989).

CULTURAL PROPERTY RESTITUTION (AGENDA ITEM 20)

Authority for agenda item
General Assembly resolution 42/7
Reports
A/44/485 Report on return or restitution of cultural property to the countries of origin / Secretary-General.
General documents
A/44/409 + Corr.1-2 (S/20743 + Corr.1-2) Letter, 19 July 1989, from Zimbabwe transmitting final document of the Ministerial Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Harare, 17-19 May 1989.
A/44/L.22 Draft resolution on return or restitution of cultural property to the countries of origin / Burundi, Central African Republic, Chad, Colombia, Comoros, Côte d'Ivoire, Gabon, Greece, Guinea-Bissau, Madagascar, Malawi, Mali, Mauritius, Nepal, Rwanda, Yugoslavia and Zaire.

Mimeographed document (at UCB or Stanford)

These may be published in the Annexes

CULTURAL PROPERTY RESTITUTION (AGENDA I 20) (cont.)

A/44/L.22/Add.1 Draft resolution c return or restitution of cultura property to the countries of orig Additional sponsors: Angola, Bolivia, Burkina Faso, Congo, Cos Rica, Ecuador, Egypt, Ghana, Guatemala, Haiti, Libyan Arab Jamahiriya, Mauritania, Mexico, N and Peru.
Discussion in plenary
A/44/PV.45 (6 Nov. 1989).
At the 45th meeting, draft resolution A/44/L.22 was adopted (139-0-16): resolution 44/18.
Resolutions
A/RES/44/18 Return or restitution cultural property to the countrie origin.
Recommends that Member States a or strengthen the necessary prote legislation with regard to their heritage and that of other people requests Member States to study t possibility of including in permi for excavations a clause requirin archaeologists and palaeontologis provide the national authorities photographic documentation of eac object brought to light during th excavations immediately after its discovery; invites Member States t continue drawing up, in co-operat with Unesco, systematic inventori cultural property existing in the territory and of their cultural property abroad; recommends that Member States should ensure that inventories of museum collections include not only the items on dis but also those in storage, and th they comprise all necessary documentation, particularly photographs of each item; appeals Member States to co-operate close with the Intergovernmental Commit for Promoting the Return of Cultu Property to its Countries of Orig its Restitution in Case of Illici Appropriation and to conclude bilateral agreements for this pur invites Member States to sign and ratify the Convention on the Mean Prohibiting and Preventing the Il Import, Export and Transfer of Ownership of Cultural Property (adopted 139-0-16, 45th meeting, Nov. 1989).

Available in the Plenary Verbatim official Records

Resolutions are published in the last Supplement for each session

CYPRUS QUESTION (AGENDA ITEM 47)

Authority for agenda item
General Assembly decision 43/459
General documents
A/44/235 (S/20600) Letter, 18 Apr 1989, from Saudi Arabia transmit the Final Communiqué adopted by 18th Islamic Conference of Forei Ministers (Session on Islamic fraternity and solidarity), 13-1 Mar. 1989.

 ILM, November issue index 206

JUDICIAL ASSISTANCE
Provisions on.
In Belgium-France-FRG-Luxembourg-Netherlands convention implementing the agreement on the gradual abolition of checks at their common borders [30:110-112, 116 Jan 91].
In ILC draft articles on jurisdictional immunities of states and their property [30:1573-74 Nov 91].
UN model treaty on extradition, December 14, 1990 [30:1410 Sep 91], with UNGA resolution [30:1407 Sep 91].
UN model treaty on mutual assistance in criminal matters, December 14, 1990 [30:1423 Sep 91], with optional protocol concerning the proceeds of crime [30:1432 Sep 91] and UNGA resolution [30:1419 Sep 91].
JUDICIAL PROCEDURE
Provisions on.
In Council of Europe convention on laundering, search, seizure and confiscation of the proceeds from crime [30:158-161 Jan 91].
In FRG-USSR treaty on good-neighborliness, partnership and cooperation [30:512-13 Mar 91].
US State Department letter regarding the Bankston case and service by mail to Japan under the Hague service convention, March 14, 1990 (excerpts) [30:260 Jan 91].
JURISDICTION
ILC draft articles on jurisdictional immunities of states and their property, in ILC report from 43rd session, September 11, 1991 [30:1565-74 Nov 91].
Inter-American Court of Human Rights, states recognizing binding jurisdiction of [noted 30:575 Mar 91].
Provisions on, in France-FRG-UK-US agreement on settlement of certain matters relating to Berlin [30:447-49 Mar 91].
US Court of Appeals opinion in Nelson v. Saudi Arabia (foreign sovereign immunities act), February 21, 1991 [30:1171 Sep 91].
US Court of Appeals opinion in United States v. Verdugo-Urquidez (Mexico-US extradition treaty; Mexican government protest concerning abduction of Mexican national), July 22, 1991 [30:1212-15 Sep 91].
US Court of Appeals opinion in United States v. Fawaz Yunis (hostage taking; hijacking; extraterritorial jurisdiction; laws of war), January 29, 1991 [30:403 Mar 91].
US Supreme Court opinion in EEOC v. Arabian American Oil Company and Aramco Services Company and Boureslan v. Arabian American Oil Company and Aramco Services Company (extraterritorial application of title VII of the civil rights act), March 26, 1991 [30:656 May 91].
Ker/Frisbie Rule, discussed in US Court of Appeals opinion in United States v. Verdugo-Urquidez [30:1202-6 Sep 91].
Klein, Kenneth, introductory note prepared by, on US IRS regulations on information with respect to certain foreign-owned corporations [30:1320 Sep 91].
KOREA, REPUBLIC OF
Agreement with USSR for the promotion and reciprocal protection of investments, December 14, 1990 [30:762 May 91].
Kurds, see Humanitarian Assistance.
KUWAIT
Agreed minutes with Iraq regarding the restoration of friendly relations, recognition and related matters, October 4, 1963 [30:855 May 91].
UK permanent representative letter to UN Secretary-General transmitting maps to be used for Iraq-Kuwait boundary demarcation, March 28, 1991 [30:857 May 91].
UNGA resolution on the financing of the UN Iraq-Kuwait observation mission, May 3, 1991 [30:843 May 91].
UN mission to assess damage to Kuwait's infrastructure during Iraqi occupation, report of, April 29, 1991 [noted 30:870 May 91].
UN mission to assess Iraqi practices against Kuwaiti civilian population during occupation, interim report of, April 29, 1991 [noted 30:870 May 91].
UN mission regarding humanitarian needs in Iraq and Kuwait in immediate post-crisis environment, report of, March 20, 1991 [noted 30:870 May 91].
UN mission regarding humanitarian needs in Kuwait in immediate post-crisis environment, report of, March 28, 1991 [noted 30:870 May 91].
UN Secretary-General report outlining establishment of an Iraq-Kuwait boundary demarcation commission, May 2, 1991 [noted 30:870 May 91].
UNSC resolution 686 (1991) on requirements to end hostilities in Iraq, March 2, 1991 [30:567 Mar 91].
UNSC resolution 687 (1991) affirming earlier resolutions and setting forth terms of cease-fire in Persian Gulf conflict, April 3, 1991 [30:846 May 91]. volume: page date
UNSC resolution 689 (1991) approving Secretary-General's report on the establishment of the UN Iraq-Kuwait observation mission, April 9, 1991 [30:863 May 91].
UNSC resolution 692 (1991) establishing the fund and commission called for to address claims resulting from Iraq's invasion and occupation of Kuwait, May 20, 1991 [30:864 May 91].

property
f xc unesco and tw standard setting
f xc united nations and su war law

xc=exact corporate author: you do not need to type the full organization name; su=subject keywords. During peak hours to do complex searches such as the ones above you may need to confine your search to books cataloged during the last ten years. To do so, before you type in your search type:

start ten

The other way to search for government documents on MELVYL is to type:

set form government documents

before you do your search. Then when you do your search (f su law war, f xs cultural property, etc.), you will retrieve only publications of government organizations (U.S., international, foreign). To return to searching without a form setting, when you're done type RESET. Alternatively, you can combine a subject search with a form search:

f form government documents and su cultural property

If the international organization you're interested in publishes a periodical, you will want to check sources such as Ulrich's International Periodicals Directory (REF Desk) and MELVYL to see where the periodical is indexed so you can find articles in it. Examples on MELVYL:

f xpe uneseco courier
f xpe museum
d lon all (to display indexing information)

A few periodicals of international organizations are searchable on NEXIS (e.g., UNESCO Courier, U.N. Chronicle).

Secondary sources (books and articles) are likely to discuss the contributions of international organizations to the development of international law on a subject. One example in the cultural property area is Gael Graham's 1987 article in 21 International Lawyer 755.

At large research and law libraries you will find some other useful indexes to publications of international organizations. The Index to United Nations Documents and Publications, 1990- is a CD-Rom index that is more convenient to use than UNDOC and is designed to accompany the very comprehensive READEX microfiche collection of U.N. documents. International Bibliography, Information, Documentation (IBID) (available at SFSU for 1973-1991 only) selectively indexes publications of international organizations many of which are not included in the U.N. indexes. In addition,

many international organizations publish lists and indexes of their publications, and these will be available at large research libraries. At large research libraries you will also find the looseleaf Digest of Legal Activities of International Organizations and Other Institutions edited by UNIDROIT (the International Institute for the Unification of Private Law). The Digest summarizes the legal activities of a wide range of international organizations.

Regional Organizations

Treaties and legislation of regional organizations often serve as trend setters in the codification and progressive development of international law. One of the most influential of these organizations is the European Community (EC). Its activities are also among the best documented. Key EC texts will be published in ILM, and you can search for other publications by using the IIS Index/Statistical MasterFile and MELVYL. The CELEX database, which is the EC's legal database, is searchable on LEXIS (ECLAW file in EUROPE and INTLAW libraries); for older EC legislations, if you know French, you can search the FRJO file in the INTLAW library. The ECLAW file contains the text of EC directives, regulations and proposals, as well as treaties and agreements. For instance, the regulation and directive the EC is currently drafting on the tranfer of cultural property will be published here. The regulation will prevent the illegal export of cultural property from member states; the directive will establish a mechanism for returning illegally esported cultural property to member states. To track developments such as these, search for news stories in the EUROPE library; ALLEUR file or the more comprehensive WORLD library; ALLWLD file. For an annual review of European legal issues, see Yearbook of European Law (K 29 E174).

Non-Government Organizations

Non-government organizations (ngos) too increasingly play a role in the development of international law. Since most of their publications are not widely distributed, it is often a challenge to locate information about their efforts. You can do a corporate author search on InvestiGator and MELVYL, and , as long as the ngo is considered the author, their publications at SFSU or U.C. will turn up. If they are the publisher, you can do a subject or title keyword search on InvestiGator (right side of the screen) and then modify the search by limiting it to the ngo/publisher you are interested in. Searching the online catalog by subject may also yield books that discuss, among other things, the work of the ngo. You can also find information by searching for news, scholarly and legal periodical articles on the ngo and on the subject.

Some ngos send representatives to Congress to testify and their testimony is indexed by both witness name and ngo name in the CIS Index. Finally, the Digest of Legal Activities discussed above covers the activites of a few ngos. If you need a description of

the purpose of the ngo and its address, consult the Encyclopedia of Associations at the REF Desk.

In the cultural property area two ngos have made significant contributions: ICOM (the International Council of Museums) and UNIDROIT (the International Institute for the Unification of Private Law). ICOM has developed guidelines for the return and restitution of cultural property (see the 1979 Museum special issue, vol. 31, no. 1) and a code of ethics for museum acquisition of cultural property (see art law books by Leonard Duboff and Lyndel Prott with P.J. O'Keefe and law review articles by James Nafziger among others for more information about ICOM's activities). UNIDROIT has drafted a Convention on Stolen or Illegally Exported Cultural Objects (see Prott's article in 41 Int'l & Comp. Law Q 160).

GENERAL PRINCIPLES OF INTERNATIONAL LAW

For a discussion of general principles of international law, see treatises and textbooks by authors such as Akehurst, Brownlie, Starke. To locate these, search on InvestiGator under international law as subject.

JUDICIAL DECISIONS AND ARBITRAL AWARDS

Perhaps the most important source of international case law is the decisions of the U.N.'s International Court of Justice (the World Court) and its predecessor the Permanent Court of International Justice of the League of Nations. Although ICJ decisions are only binding on the parties and only apply to the case in question, justices do draw on earlier cases for guidance in resolving international legal disputes, and these decsisions do sometimes contribute to the development of international law rather than simply applying it. The decisions of the ICJ are published in its Reports of Judgements, Advisory Opinions and Orders, and the documents presented by the state parties and the verbatim record of the proceedings are published in its Pleadings, Oral Arguements and Documents (both located in GOVT). Important ICJ cases first appear in ILM. The Court also publishes a Yearbook recording its activities and a Bibliography of writings relevant to the work of the Court. The decisions of the PCIJ are published in the set, World Court Reports (JX 1971.5 A63). Many books and news, scholarly and legal articles have been written about the ICJ and the PCIJ. Search InvestiGator and periodical indexes under subject, and, if available, title keyword (International Court (of Justice), World Court, Permanent Court (of) International Justice), under case name and under subject matter of the case. For instance, you would find the Jurisprudence of the World Court (JX 1971.5 V4), a case by case commentary for 1922-1965.

Large law or research libraries will have digests of ICJ cases; for example, the Digest of the Decisions of the

International Court of Justice/Digest of the Decisions of the Permanent Court of International Justice, series AI of Fontes Juris Gentium, E. Hambro's Case Law of the World Court (some volumes available at SFSU: JX 1971.5 A615) and K. Marek's A Digest of the Decisions of the International Court.

The U.N. Legal Affairs Office publishes the Reports of International Arbitral Awards (GOVT) which contains the text of the Permanent Court of Arbitration awards from 1920 on. For the period before 1920 large research libraries will have the Reports of the PCA/ Recueil d'Actes, the Hague Court Reports or Fontes Juris Gentium (series AI, volume 2, contains a digest of PCA awards for 1902-28).

To locate other sources of information about international arbitrations, search InvestiGator (subject: arbitration international) and periodical indexes. For example, you would find A.M. Stuyt's Survey of International Arbitrations, 1794-1989 (JX 1937 S85).

ILM reprints important decisions of international tribunals and important U.S. international law cases. International Law Reports (formerly Annual Digest (and Reports) of International Law Cases reprints in whole or in part decisions of international, regional and national tribunals from 1919 on (volumes 6 (1931/32)-40 (1970) and index for vols. 1-35 only at SFSU: JX 68 A65).

International tribunals may use decisions of national courts in arriving at their decisions. National court cases often, however, involve the application of national, rather than international, law, but even in such cases they may reflect state practice (custom). Historically U.S. Supreme Court cases, in particular have influenced the development of international law. The U.S. (Supreme Court) Reports are available in GOVT and are searchable on LEXIS (GENFED library; US file). There is a one volume subject and case name index by Guenther (REF & GOVT KF 101.6 G83) which covers U.S. Supreme Court cases through 1980. Supreme Court cases will also be cited under case name and subject in legal encyclopedias, reference books about the Supreme Court and CLI and ILP.

Other federal court cases are searchable on LEXIS (GENFED library; COURTS file and INTLAW library; CASES or COURTS files). Sample searches:

```
name(cyprus and goldberg)
kanakaria or cyprus w/15 mosaics
cultural property or antiquities w/50 stolen of theft or
    trade or traffic or unesco or hague convention or
    restitution or return or export! or removed
```

If you already have a case citation, the easiest way to search LEXIS is to type lexsee followed by the case citation at the intial list of libraries (this saves you having to choose a library and file). Example:

```
lexsee 917 f 2d 278
```

U.K., French, Canadian, Australian, Irish, New Zealand and EC cases are also searchable on LEXIS (INTLAW library; UKCASE, FRPRCS, FRPBCS, ONTLAW, AUSCAS, IRECAS, NZCAS, ECCASE files). These are searchable in other LEXIS libraries and files too (e.g., EUROPE or EURCOM libraries; CASES is the same as INTLAW; ECCASE). Sample searches:

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intlaw
ontlaw
cultural property or painting or sculptur! w/50 stolen or
     export! or trade or traffic! or hague or unesco

intlaw
ukcase
name(ortiz and new zealand)
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Large law or research libraries will have other sets of national court decisions involving international legal questions such as American International Law Cases, British International Law Cases (decisions to 1970; 4 vols. only available at SFSU: JX 68 B75) and Decisions of the German Courts Relating to Public International Law (series AII of Fontes Juris Gentium).

TEACHINGS OF THE MOST QUALIFIED PUBLICISTS

Although not as important in developing international law as publicists (writers) were in its formative period, secondary sources can certainly provide perspective on, and analysis of, the current state of international law on a particular issue. To locate writings, use the methods discussed above under DEEPENING YOUR RESEARCH. It is also useful to regularly consult annual collections of essays on international law topics. To locate these, search InvestiGator under international law yearbooks, international law collected works and international law periodicals, as subject headings. You'll find sources such as the British Yearbook of International Law (JX 21 B7) and the Hague Yearbook of International Law (JX 18 H33, formerly JX 1295 H38). You can also search by more specific subject. For example, on InvestiGator a subject search under law europe periodicals would lead you to the Yearbook of European Law; f su disarmament yearbooks on MELVYL would lead you to the United Nations Disarmament Affairs Department's United Nations Disarmament Yearbook (latest GOVT Desk).

OTHER LIBRARY RESOURCES

The library publishes a number of bibliographies that list sources related to international legal research. Ask for the following:

Foreign Country Information
Human Rights
International Law: A Checklist
Law: A Checklist
Legal Research Sources
Legislation
News and Opinion
United Nations

A useful resource person in GOVT is Norma Villa.

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